NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:09 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

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

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

ACTING PRESIDENT MEIER: In the absence of clergy, may we bow our heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 28th, the Senate met pursuant to adjournment. The Journal of Monday, March 27th, was read and approved. On motion, Senate adjourned.

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

Senator Connor.

SENATOR CONNOR: Thank you, Mr.

President.

It is indeed my pleasure to introduce to my colleagues and to the house our newest member, elected yesterday as the State Senator representing the 10th District in the County of Queens.

Malcolm Smith, our newest Senator, earned his degree from Fordham University in business administration, with a concentration in economics. He's continued graduate work in economics and public finance. Frankly, Mr. President, he may be here just in time, if the budget -- we may break the impasse, you know?

A real estate developer by trade, Senator Smith is no stranger to politics. While it's his first elected office, he's been the senior aide to former Congressman Floyd Flake and a chief aide to City Council Member Archie Spigner.

Mr. Smith is also a former executive director in the New York City Mayor's Office of Economic Development, and has served as president of the Neighborhood Housing Services of Jamaica. Currently he's the president and founder of Smith Development

Corporation.

Throughout his public service, Senator Smith has used his skill at managing and developing residential and commercial projects to benefit the city and its residents. Because of his efforts, he was recently honored with the Community Economic Development Award from the New York State Association of Black and Puerto Rican legislators.

We welcome Malcolm Smith. I think -- I've had the pleasure of knowing him for some time now. I think those of you who haven't met him will enjoy your association with Senator Smith. He is a fine gentleman and brings a wealth of expertise and knowledge to the position.

I know, Mr. President, you'll join with me in extending a welcome to his family who's here today -- his wife, Michele; his two children, Julian and Amanda; his sister, Deborah Gaston; his brother-in-law, Edward Harper; his two sisters-in-law, Mikki Ward-Harper and Deborah Maisonette; and his two nieces, Diane and Tracy Shanu.

Mr. President, we are happy, the oath is on file, Senator Smith is now one of us.

(Applause.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Senator Smith, on behalf of Senator Bruno and the Senate Majority, we welcome you to this great institution that we all love. Congratulations on your election.

ACTING PRESIDENT MEIER: Senator Smith, we welcome and congratulate you and your family here today. And we certainly all look forward to getting to know you and to work with you.

You present us with a bit of a dilemma. We now have two Senator Smiths. But we'll try to tell you apart. It shouldn't be too difficult.

(Laughter.)

ACTING PRESIDENT MEIER: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Maltese, from the Committee on Elections, reports the following bills:

Senate Print 1196, by Senator Lack, an act to amend the Election Law;

1958, by Senator Farley, an act to amend the Election Law and the State Finance Law;

And 6961, by Senator Maltese, an act to amend the Election Law.

Senator LaValle, from the Committee on Higher Education, reports:

Senate Print 2676, by Senator Trunzo, an act to amend the Education Law;

2756, by Senator Farley, an act to amend the Education Law;

5897A, by Senator Velella, an act to amend the Education Law;

6487, by Senator LaValle, an act to amend the Education Law;

And 6683, by Senator LaValle, an act to amend the Education Law and the Public Health Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills are reported directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator McGee.

SENATOR McGEE: Thank you, Mr. President.

On behalf of Senator Morahan, on page Number 19 I offer the following amendments to Calendar Number 378, Senate Print Number 5861A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: You're so welcome, Senator McGee.

Senator Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions to be made at the desk?

ACTING PRESIDENT MEIER: Yes, we have three, Senator.

SENATOR SKELOS: If you would make them at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

Well, sorry, we actually have five. The Secretary will read the substitutions.

THE SECRETARY: On page 29, Senator Fuschillo moves to discharge, from the Committee on Judiciary, Assembly Bill Number 6872 and substitute it for the identical Senate Bill Number 6518, Third Reading Calendar 503.

On page 29, Senator Lack moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9003 and substitute it for the identical Senate Bill Number 6885, Third Reading Calendar 504.

On page 31, Senator Bonacic moves to discharge, from the Committee on Local

Government, Assembly Bill Number 9580 and substitute it for the identical Senate Bill Number 6593, Third Reading Calendar 524.

On page 31, Senator Johnson moves to discharge, from the Committee on Health, Assembly Bill Number 9429 and substitute it for the identical Senate Bill 6406, Third Reading Calendar 526.

And on page 34, Senator Stafford moves to discharge, from the Committee on Veterans and Military Affairs, Assembly Bill 9565 and substitute it for the identical Senate Print Number 6582, Third Reading Calendar 555.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Larkin, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 2120A.

ACTING PRESIDENT MEIER: So

ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution at the desk by Senator Rath. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the title of the privileged resolution.

THE SECRETARY: By Senator Rath, Legislative Resolution Number 3547, commending Richard E. Forrestel upon the occasion of his designation by the Akron Chamber of Commerce as its Citizen of the Year.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President,

if we could take up the noncontroversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 219, by Senator Spano, Senate Print 3514C, an act to amend the Labor Law and the Urban Development Corporation -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 227, by Senator Bonacic, Senate Print 4438, an act to amend the Private Housing Finance Law, in relation to the powers of the Housing Trust Fund Corporation.

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, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 232, by Senator Saland, Senate Print 35 -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 358, by Senator Padavan, Senate Print 1888, an act to amend the Agriculture and Markets Law, in relation to spectators at exhibitions of animal fighting.

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 roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 417, by Senator Volker, Senate Print 3106A -

SENATOR CONNOR: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 439, by Senator Skelos, Senate Print 1609 -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 451, by Senator LaValle, Senate Print 1621, an act to amend the -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 452, by Senator Saland, Senate Print 2977, an act to amend the -

SENATOR CONNOR: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 462, by Senator Maltese, Senate Print 5253, an act to amend the Education Law, in relation to

fees for advanced placement examinations.

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, 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 478, by Senator Kuhl, Senate Print 6584 -

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 479, by Senator Farley, Senate Print 6669, an act in relation to adjusting certain state aid payments -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number

498, by Senator Seward, Senate Print 7064, an act to amend the Insurance Law, in relation to homeowners insurance catastrophe coverage.

SENATOR HEVESI: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 564, by Senator Nozzolio, Senate Print 7031, an act to amend Chapter 55 of the Laws of 1992 amending the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 565, by Senator Nozzolio, Senate Print 7032, an act to amend Chapter 887 of the Laws of 1983 amending the Correction Law.

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, 46.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'm sorry, I think I missed -- were three -- I'm sorry, 232 and 258, were either of those laid aside or voted on? I'm sorry.

ACTING PRESIDENT MEIER: 232 was laid aside.

What was the other one, Senator?

SENATOR DUANE: 358.

ACTING PRESIDENT MEIER: 358 was passed.

SENATOR DUANE: I'd like to be recorded in the negative on that, without objection, please.

ACTING PRESIDENT MEIER: Without

objection, Senator Duane will be recorded in the negative on Calendar 358.

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

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

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 219, by Senator Spano, Senate Print 3514C, an act to amend the Labor Law and the Urban Development Corporation Act, in relation to enacting the "Utility Industry Worker Adjustment Act."

SENATOR DUANE: Explanation, please.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT MEIER: We'll lay that aside temporarily and come back.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number

232, by Senator Saland, Senate Print 3529, an act to amend the Insurance Law and the General Obligations Law, in relation to the use of lands for recreational activities.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Saland, an explanation has been requested of Calendar Number 232 by Senator Paterson.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this bill would amend primarily Section 9103 of the General Obligations Law. That particular section of the General Obligations Law currently encourages the use of private property for any number of recreational activities. They're enumerated at length in Section 9103.

And what that section does in part as well is to make it clear that in the course of encouraging the use of land for recreational activities, it is not the intent of that section to limit liability for willful or malicious failure to guard or warn against dangerous conditions, use, or structure that may be part and parcel of the properties which

have been opened for such recreational uses.

This legislation proposes to further encourage the use of land and water areas for recreational purposes. It's consistent, I think, with the state's overall policy of protecting open space and encouraging recreational use.

And it's part and parcel and also amends the Insurance Law, to provide that the commissioner -- I'm sorry, the Superintendent of Insurance shall study and make recommendations to the Governor and to each of the houses of the Legislature within 18 months with regard to the result -- the -- I'm sorry, with regard to controlling the costs of property and liability insurance coverage for landowners who engage in this proposed use.

This bill effectively builds on the existing law and would encourage greater use of open lands and other lands such as farmlands for recreational use by countless New Yorkers who would seek to avail themselves of it and are currently being discouraged - owners who are being discouraged by the threat of actions for liability.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you. Would Senator Saland yield for a question?

ACTING PRESIDENT MEIER: Senator Saland, do you yield for a question?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: And would Senator Saland wait while I think of a question?

(Laughter.)

SENATOR PATERSON: Senator, would you distinguish for us the difference between what would be the obligations due on the landowner or the lessee depending upon the condition where the lessee allowed people on the property even though the landowner expressly forbid it in this type of identification that's described in your bill? Who would then be responsible?

SENATOR SALAND: Could you please rephrase that question for me, Senator

Paterson?

SENATOR PATERSON: Well, let's say that you go away for the summer and lease your property to me, and you have signs up making it clear that you don't want people to use the property for recreational purposes, and then at that point I let people on the property. Who is liable?

SENATOR SALAND: I'm sorry, if I can -- you as the lessee; right?

SENATOR PATERSON: Right.

SENATOR SALAND: Okay. And continue with your question, I'm sorry.

SENATOR PATERSON: That actually is my question. Who is responsible? This is turning out to be a pretty good question.

In other words, Mr. President, for Senator Saland's amplification, who would be granted the immunity, the lessee or the landlord, the landowner?

SENATOR SALAND: Assuming that your -- the answer to your question is contained in what would now be Section 3C, and I'm currently . . .

SENATOR PATERSON: Would you like

to use your lifeline, Senator LaValle?

(Laughter.)

SENATOR SALAND: I believe, if I'm reading Section 3C correctly, both the owner or the owner, lessee, or occupant would not -- let me -- bear with me a second here, if you would.

If I'm reading Section 3C correctly, the freedom from liability would remain primarily with the owner as distinguished from the tenant.

SENATOR PATERSON: That's the answer, then?

SENATOR SALAND: Is that my final answer?

(Laughter.)

SENATOR PATERSON: Yes.

SENATOR SALAND: I guess that shouldn't be my final answer. Because Subdivision 2 in several places, all of the subsections, makes reference to an owner, lessee, or occupant as being free from liability. And then Subdivision 3 talks about the lack of freedom from liability.

SENATOR PATERSON: This, Mr.

President, is what's known in literature and the media as a pregnant pause.

Is he finished? Oh.

In that case, Mr. President, would Senator Saland yield for another question?

SENATOR SALAND: I'll always yield for you, Senator Paterson.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: The price goes up on these questions, Senator. You're doing fine so far.

I guess in response to your answer -- and this certainly is something you would be invited to take a look at. And you can tell me about it later, but I just wanted to raise it with you now. Does the owner of the property have to make some type of affirmative action, in other words, in granting the lease so that we make sure in the legislation that the owner is -- still has the immunity that you're seeking in the legislation?

I would assume that the owner does not. But I just wanted to hear your opinion.

SENATOR SALAND: I would believe that there would be nothing necessarily required of the owner as a landlord unless he or she chose, for purposes of having a greater degree of insurance. I think the language in the statute would adequately protect the owner, the lessee, or the occupant.

We haven't done anything that -- by way of this proposal that would change the existing law. And I believe under the existing law, that protection currently attaches to the owner or landlord as well.

SENATOR PATERSON: Thank you, Mr. President. If Senator Saland would yield for another question.

ACTING PRESIDENT MEIER: Senator Saland, do you continue to yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Senator, I want to turn your attention to a different part of the legislation, and really what is dialectically my problem with the bill.

And it is that I don't understand, in terms of public policy, why we would want to reward individuals who would be restrictive, in the sense that they would draw the perimeters by which others might use their land for recreational purposes, and then hold them really to a lower standard of care than those individuals who would actually make it easier for their neighbors to use their property.

My question is, what happens to those who don't restrict their property? It would seem to me that they're being good neighbors, they're acting with goodwill, they're doing the kind of thing that we would want to encourage people to involve themselves in. And then, consequently, they are held to a higher standard of care under the law should an accident occur.

SENATOR SALAND: I'm not quite sure if I fully understand your question, for which I apologize.

But let me suggest to you that where -- we are not doing anything that changes the current status of the law, other

than to say that we are making it -- our intention is to make clear that all recreational activities, as distinguished from those specifically enumerated under 9103, will currently be protected for a landowner or - in the case of a landowner who elects to permit people to come across his property.

I'm not quite sure that there has been any great hue and cry with regard to any abuse of the existing law under the multiplicity of recreational uses that are enumerated in what is currently numbered Section 2.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. If the Senator would continue to yield.

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor continues to yield.

SENATOR PATERSON: Just to be more specific -- and it just came to me in a voice, because I hear voices in this chamber.

It's been going on for the last few years. And I thought it was Senator Onorato's voice that I heard.

It was saying, what if there were a swimming pool on someone's property and they put a sign up saying you're not allowed to use the property? Now what they have is a lowered standard of care for the upkeep of the swimming pool. In other words, now if the swimming pool is defective -- let's say it doesn't have a fence around it of a six-foot height, which is a regulation -- they are now going to use the immunity to get out of the standard of care that they would normally have to provide anyway.

So my concern was that your legislation, well-intended -- and I see its purpose. And I think you explained it quite well, so I don't have to restate it. But I just am frightened that there is a way in which the intent, the well-meaning intent of this legislation could be twisted by those who think that by erecting a sign, they then therefore have less of a duty than they had ordinarily.

SENATOR SALAND: I would find it difficult to believe that in your swimming pool example that inasmuch as I believe it's not merely a matter of local ordinance -- I believe that it may also be a matter of state regulation, but I'd be very happy to stand corrected -- all pools are required to have fences. Certainly within the communities that I represent, each and every of them has a requirement for fencing. I don't believe that you could possibly give yourself an immunity bath.

I would think that you would wind up finding yourself being subjected to one of the exceptions that are listed under the current Subsection 3. Because the failure to build that fence or erect that fence would certainly seem to me to constitute something that would be willful, at the very least.

SENATOR PATERSON: Mr. President, Senator Saland is right. My example is all wet. The reason is because I gave an example that required -

SENATOR SALAND: Excuse me, I know it wasn't your example. It was Senator

Onorato's example.

SENATOR PATERSON: That's right.

SENATOR SALAND: You were merely being a conduit. I understand that.

SENATOR PATERSON: Well, let's leave out conformity with local ordinances or regulations, which you properly pointed out would have cured that particular situation. You're absolutely right.

I was just saying that just the standard of care that might be measured by a court becomes lower, I felt, based on the existence of this warning. That, in other words, the warning becomes a protection, to a certain degree, to the landowner that we might as a matter of public policy not want to afford, when others who actually allow individuals on their property don't get the same immunity as well.

That's all I was saying. And I won't even phrase that in terms of a question, Mr. President. That was just a clarification for Senator Saland.

Thank you.

ACTING PRESIDENT MEIER: Read the

last section.

THE SECRETARY: Section 3. This act shall take effect in 180 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 232 are Senators Connor, DeFrancisco, Dollinger, Duane, Gentile, Morahan, Onorato, Paterson, Sampson, Schneiderman, Seabrook, and Stavisky.

Ayes, 42. Nays, 12.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 417, by Senator Volker, Senate Print 3106A, an act to amend the Penal Law, the Criminal Procedure Law, and the Family Court Act, in relation -

SENATOR VOLKER: Lay it aside.

ACTING PRESIDENT MEIER: We'll temporarily lay aside 417.

The Secretary will continue to

read.

THE SECRETARY: Calendar Number 439, by Senator Skelos, Senate Print 1609, an act to amend the Correction Law, in relation to requiring inmates to make medical copayments.

SENATOR VELELLA: Lay that aside until Senator Skelos returns.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 451, by Senator LaValle, Senate Print 1621, an act to amend the Domestic Relations Law and the Family Court Act, in relation to the visitation rights of great-grandparents.

SENATOR DUANE: Explanation, please.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator LaValle, an explanation has been requested of Calendar 451 by Senator Duane and others.

SENATOR LAVALLE: This -- thank you very much, Mr. President.

This also gives me an opportunity, before I begin to explain the bill, to mention that on Sunday evening I for the third time became a grandparent. Again, my daughter Lisa Russ gave birth to Joshua Eric Russ on Sunday evening at 10:30 at Winthrop Hospital in Nassau County. And so as a grandparent, I obviously have great enthusiasm and will probably be a pain-in-the-neck grandparent, doting over Joshua Eric as I have my grandson Elvis and my granddaughter Jessica.

This legislation that we have before us allows for the realities of today, for great-grandparents to have the same opportunity and the same privilege that a grandparent has, where a child -- through a divorce or another situation, a grandparent today is allowed to petition the court for visitation rights.

And so we want great-grandparents to have that same ability. Through modern medicine, people are living longer, and it is becoming very commonplace for great grandparents to be very much as involved as the grandparents in the bringing up,

interacting with the child.

And so it's a very simple bill, because all we're doing is adding great-grandparents to the statute to allow them to petition the court.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Would the sponsor yield to some questions?

SENATOR LAVALLE: Yes, sir.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LAVALLE: Yes.

SENATOR DUANE: Thank you.

Under this statute, is it possible for great-grandparents to sue for visitation rights even after an adoption has taken place?

SENATOR LAVALLE: They would -- I would believe so, Senator Duane. Yes, I believe that that could take place.

Because they would -- they would still be a great-grandparent of the natural parents who brought this child into the world. So I believe the answer is yes to your

question.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR LAVALLE: Yes. Yes.

ACTING PRESIDENT MEIER: The sponsor continues to yield.

SENATOR DUANE: I'm concerned that this could potentially interfere with the bonding which would happen between the adoptive parents, who in fact are the parents.

And therefore, wouldn't it be entirely possible that great-grandparents, who no longer have any parental line to that child besides their biological line, would be able to be interfering in the adoptive or the now real parents' family and impact the bonding between an adoptive child and that child's new family?

SENATOR LAVALLE: Senator Duane, I have been -- you know, as an attorney, have been in Family Court, and I've witnessed other cases that have been in the Family Court where you have had situations where a child was moving through the process from foster care,

foster parents who then were going to be the adoptive parents.

The court seems very sympathetic in situations I've witnessed. The only issue of the adopting parent is usually issues like, no, we want the child to be able to interact with people that they have in the past.

And it's always basically an issue of timing. The adoptive parents will usually say, you know, to the court, can we have some notification or can we set up some sort of schedule that is common sense and logical, that it's not going to be disruptive to the child and the new family.

But usually the new family is very sensitive to those kinds of things and doesn't want to dislocate the child from that former life, former situations.

You're right in raising this as an issue. But I think that the court usually acts as a transitioning agent to make sure that things are smooth, that there are not going to be, you know, abuses, and yet recognize the rights of individuals from the former life into the new life.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator LaValle, do you continue to yield?

SENATOR LAVALLE: Yes. Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I have absolutely no objection to a case where the adoptive parents are willing and happy to have the great-grandparents and grandparents or even the biological parents involved.

However, isn't it true that in this -- through this law, what happens is that rather than making it the choice of the legal parents of the child once they have moved from foster care into, you know, adoption, into legal adoption, that the -- then the decision-making is no longer resting in the hands of the parents of the adopted child?

And instead, even if -- though - should not that decision rest in the hands of the parents of the child while that child is not of legal age?

SENATOR LAVALLE: Senator, as you know, this bill allows the -- as we presently have grandparents who can petition the court for visitation, we are allowing great-grandparents.

Where there seems to be a problem, Family Court and Family Court judges are very sensitive to these issues. If there was going to be a dislocation and a disruption in the child's life -- because, don't forget, everything in our law is based on the best interests of the child. That's the key, the best interests of the child.

And so if there were a situation and there was a petition before the court, the judge -- the judge would deny that petition. It doesn't give them a lock; it gives them a right to petition the court.

And so I think Family Court judges -- I know I can only speak to Suffolk County, where I think we have a great team of Family Court judges under the supervision of Judge Freundlich, our presiding judge of the Family Court -- would make sure that the best interests of the child were being protected.

SENATOR DUANE: Thank you.

If I may speak on the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: I am genuinely very, very conflicted about this legislation. I generally feel that the more parents that are involved and the more adults that are involved in the upbringing of a child, the better it is.

I know that it would seem odd for me to -- to sound so compelled by the idea of -- or some of the arguments put forward by those who are -- it's -- who I sometimes believe use the term "traditional families" in a sort of punitive way -- to also, though, in this case, to find myself to be very compelled by their arguments.

I'm concerned in, for instance, cases where an adoptive parent -- adoptive parents may have, for instance, a different religion than the religion of the grandparents or the great-grandparents, and that because they didn't agree with that religious

upbringing, the great-grandparents or grandparents, that they could potentially use this law to intrude upon the upbringing of the child or to harass the adoptive parents' positions on the upbringing of the child.

Even the initiation of a court proceeding can be very disruptive to a family when they try to get on with their lives.

And I actually -- even as I -- and I'm really thinking out loud about this legislation. I don't know how I'm going to vote on it. And I actually would be interested to hear if anybody else wanted to speak on it. I never need any encouragement, but if I can encourage others to maybe talk about this a little bit more.

On the one hand, as I say, I think the more adults that are involved in a child's life and upbringing, the healthier that tends to be. On the other hand, I could also see mischief and malice being used under the - under the provisions of this legislation.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, would Senator LaValle yield for a few questions?

ACTING PRESIDENT MEIER: Senator LaValle, will you yield for a question from Senator Paterson?

SENATOR LAVALLE: Yes. Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: First of all, Senator LaValle, congratulations on the birth of your grandson. And as vigorous and tireless as you seem to be around here, I think this type of legislation might apply to you one day.

Because as you pointed out, there were 20,000 Americans in the year 1990 who lived past 100 years. At the stroke of the millennium, there were then 40,000. So you're absolutely right about the increased medical care and people living a lot longer than they have lived before.

This legislation would seem to apply, since we have already granted this right to grandparents, we would want to extend

it to great-grandparents. The only concern that was raised was for the number of petitions floating around the court, that there are so many parties now that could become part of a legal proceeding.

Would this not be somewhat confusing for the entire situation of the disposition of visitation, to have so many people involved?

SENATOR LAVALLE: Senator, you know, that's a hard question to answer. It's quite a subjective answer on my part.

But we -- I assume that great-grandparents who are making a petition feel they have a stake in the petition, in this child, because they have both emotionally and physically taken care of this child at one point, along with the grandparents. In those situations where great-grandparents just tangentially know the child, I don't assume that they're going to petition the court.

This is -- if you go through an action to petition the court, you must have strong feelings that you can make a difference in that child's life or that you feel that you

could make a difference in the child's life.

So I can't answer it in any other way than the manner that I have. Period.

SENATOR PATERSON: Oh, I'm sorry, Senator. If the Senator would yield for one last question.

SENATOR LAVALLE: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: Senator, I voted for the bill last year, and I'm going to vote for it again.

I just wanted to ask you for your advice or just your thoughts on the issue of where there is a conflict between different generations. For instance, you might have grandparents or great-grandparents that had a religious standard that they thought should be observed or that they didn't want there to be a religious standard to be observed. The parents vehemently oppose it. The visitation then becomes a point of confrontation on the issue rather than on the best interests of the child.

Do you see that possibly

complicating the situation at all?

SENATOR LAVALLE: Oh, I designed it -- as I had indicated to Senator Duane, that I believe that when that petition moves forward in the courts and all the parties have an opportunity, and you -- and the court, taking the best interests of the child, see an enormous conflict, a conflict that cannot be resolved, I'm not sure the court moves forward with that petition.

So again, I just say that the mere fact that the great-grandparent or even a -- a grandparent or great-grandparent petitions the court doesn't give them a lock that the court is going to grant that visitation. And if there is so much conflict over a very important issue such as religion, as you bring up, well, I'm not sure the court is going to grant that petition, Senator.

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, 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Duane.

SENATOR DUANE: Actually, just to explain my vote. I'm sorry, I didn't stand up fast enough.

I am voting yes on this -

ACTING PRESIDENT MEIER: Just a second, Senator Duane. We'll withdraw the roll call, then.

Senator Duane, you're now recognized to explain your vote.

SENATOR DUANE: I'm sorry to make everybody in the chamber listen to my tortured thinking on this.

I'm going to vote yes on this. But I would also, if perchance it doesn't pass both houses and get signed into law by the Governor this year, I would look forward to hearing a little bit more debate on this issue, and see if some of these other concerns can be addressed. And maybe to also find out the experience in other states with this kind

of legislation.

But I am going to vote in the affirmative on it, with some misgivings.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Duane will be recorded in the affirmative.

Senator Ada Smith, to explain her vote.

SENATOR ADA SMITH: Thank you, Mr. -- oh, I'm sorry, finish that.

ACTING PRESIDENT MEIER: Oh, okay.

The Secretary will announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Ada Smith.

SENATOR ADA SMITH: Thank you.

Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 232.

ACTING PRESIDENT MEIER: Without objection, Senator Ada Smith will be recorded in the negative on Calendar Number 232.

Senator Malcolm Smith.

SENATOR MALCOLM SMITH: I ask for unanimous consent to be recorded in the negative on Calendar Number 232.

ACTING PRESIDENT MEIER: Without objection, Senator Malcolm Smith will be recorded in the negative on Calendar 232.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 452, by Senator Saland, Senate Print 2977, an act to amend the Social Services Law, in relation to child abuse.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR PATERSON: Lay it aside.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT MEIER: Senators, we're on the controversial calendar.

Senator Paterson.

SENATOR PATERSON: I'm sorry, Mr.

President. I believe that Senator Montgomery would like an explanation.

SENATOR MONTGOMERY: Yes, I would, thank you.

SENATOR PATERSON: She would.

ACTING PRESIDENT MEIER: Senator Saland, Senator Montgomery is requesting an explanation of Calendar Number 452.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, currently under the Social Service Law there are a number of provisions for fair hearings. They deal with a variety of subject areas -- medical assistance, food stamps, home relief. None of them, with the exception of the provision for a fair hearing under the abuse and neglect section, provide for an automatic right to a hearing. They basically provide the applicant with a due process right to a hearing upon notification.

What this bill attempts to do is to take care of the problem that currently exists under the neglect and abuse section, wherein approximately 30 percent of these cases wind

up in defaults. The hearing is called, the time and expense associated with the hearing and the provision of a hearing officer becomes an expense that is an unnecessary expense in 30 percent of these cases.

And what this would do would be to conform the section that deals with fair hearings under abuse and neglect with all the other fair hearing section provisions under the Social Service Law. Nobody is losing any right, nobody is losing any due process. And basically, this would establish uniformity.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I would like to know if Senator Saland would just yield to a couple of questions.

ACTING PRESIDENT MEIER: Senator Saland, do you yield for some questions?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Senator

Saland, it's my understanding that the bill changes the fair hearing request -- in other words, changes from an automatic notification of a fair hearing to the need to have a request specifically made for a fair hearing. Is that what we're doing here?

SENATOR SALAND: Correct. Which is consistent with what happens in all of the other fair hearing applications under the Social Service Law. It would be treated, as I said in my earlier remarks, uniformly.

SENATOR MONTGOMERY: The other question -- Mr. President, through you, if I may -- is the bill does not specify which commissioner we actually would be applying to for a fair hearing. Is that -

SENATOR SALAND: I think the commissioner, by definition, would be the Commissioner of OCFS, the Office of Children and Family Services, which now is the entity which oversees or has oversight authority over abuse and neglect matters.

SENATOR MONTGOMERY: All right. Just briefly, on the bill.

Thank you, Senator Saland.

ACTING PRESIDENT MEIER: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Yes. I did vote no on this.

And one of the reasons why I did was because my concern is with the fact that once a -- once a charge is made regarding child abuse for any citizen, it's very often that people find themselves being accused of this without due notification, that they really don't realize that they have had such a charge made against them.

And so I would just prefer that the commissioner have an additional obligation to notify any individual of such a charge, as well as their right to a fair hearing.

So that was my reason. And Senator Saland may clarify that for me.

SENATOR SALAND: Just on the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Saland, on the bill.

SENATOR SALAND: There is nothing in this that changes the requirement that currently exists upon the commissioner to

notify the subject under the existing law, and we're not changing that.

At any time subsequent to the completion of the investigation, but in no event later than 90 days after the subject of a report is notified that the report is indicated, meaning that there has been a finding of neglect or abuse, the subject may request the commissioner to amend the record of a report.

There's nothing in here that changes the obligation to notify. And obviously, if you're the subject of a report, you would be aware of the pendency of this proceeding.

Again, there is no -- not the slightest desire to, from this sponsor, nor under this legislation, to compromise the due process rights of somebody who's the subject of a petition.

Thank you.

ACTING PRESIDENT MEIER: Read the last section.

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

January.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I would like to be recorded in the negative on Calendar 232, with unanimous consent.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar 232.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: Calendar Number 478, by Senator Kuhl, Senate Print 6584, an act to amend the Education Law, in relation to the terms of members.

SENATOR HEVESI: Explanation.

ACTING PRESIDENT MEIER: Senator

Kuhl, an explanation has been requested of Calendar 478 by Senator Hevesi.

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

This is a rather simple-purposed bill. You may all remember that just about two weeks ago, we had an election of the Regents of the State of New York. And we had an election for seven of them; six of them naturally occurring, and there was a vacancy on the seventh one as a result of then-Regent Levy resigning and taking a new position as the Chancellor of the New York City School System.

When you take into effect and account that -- I don't know whether anybody's interested, or whether Senator Hevesi can hear us -

ACTING PRESIDENT MEIER: Senator Kuhl, a few moments ago Senator Paterson said he was hearing voices, and now I hear them.

And can we have some order in the chamber. May we have some attention to the debate, please.

Could we have some order in the

chamber, please.

Senator Kuhl.

SENATOR KUHL: And to continue, Mr. President, very simply, what this bill would do is to stagger the terms of the Regents so that we would not have the situation that just occurred, and that being that there were six new Regents out of 16 having been elected.

It's the thought and the purpose of this bill to have continuity and to utilize the experience that's been accumulated by these Regents over a period of years.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President.

I voted no on this legislation in committee. And the specific reason that I did was my concern that we were -- we might be reducing the term of office of the Regents.

And so I just would like to, if I may, ask the sponsor, Senator Kuhl, what is exactly going to change in terms of the length of term of Regents under this legislation. If

we could have that explanation on record, I would appreciate that.

ACTING PRESIDENT MEIER: Senator Kuhl, do you yield for a question from Senator Montgomery?

SENATOR KUHL: Mr. President?

ACTING PRESIDENT MEIER: Do you yield for a question from Senator Montgomery?

SENATOR KUHL: Sure, Mr. President.

ACTING PRESIDENT MEIER: The Senator yields.

Senator Montgomery, would you state your question?

SENATOR MONTGOMERY: Thank you.

Senator Kuhl, I'm trying to get some clarification from you, if you will, on exactly what will happen as it relates to the length of term of the Regents under your legislation.

SENATOR KUHL: Over the long haul, Senator, nothing. The terms stay the same.

But in the transition, there could be a shortening of a period -- of the term of

a Regent.

SENATOR MONTGOMERY: Whose term would be shortened, Senator Kuhl?

SENATOR KUHL: Well, I don't think we have picked up on any one individual at this point.

But just if I could -- I have not reviewed the numbers or the length of service to determine what individual would have their term shortened. But it's based on seniority.

SENATOR MONTGOMERY: And is that -- does that mean, then, that some of the Regents would have a shorter term than others on a permanent basis, on an ongoing basis?

SENATOR KUHL: No. No. Just on a temporary transition basis, to allow the terms to actually be staggered. So that you don't have any more than four Regents coming up for reelection or reappointment at one time.

SENATOR MONTGOMERY: All right. So the purpose, as I understand it, then, is for you -- in order to phase in the -- your bill, which would not have any more than four people come before us, four Regents come

before us at any one time, some people -- some Regents may end up with a four-year term as opposed to a five-year term, for one time. But not more than one time.

SENATOR KUHL: That's correct. But only a one-time basis.

SENATOR MONTGOMERY: Only one time.

SENATOR KUHL: Yes.

SENATOR MONTGOMERY: All right. With that explanation, Mr. President, I withdraw my objection to Senator Kuhl's 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, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 498, by Senator Seward, Senate Print 7064, an

act to amend the Insurance Law, in relation to homeowners insurance.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Hold it, I'm sorry.

Senator Paterson, did you say something?

SENATOR PATERSON: I asked for an explanation, Mr. President.

ACTING PRESIDENT MEIER: I'm sorry, Senator Paterson, I couldn't hear you.

Senator Seward, an explanation has been requested of Calendar 498 by Senator Paterson.

SENATOR SEWARD: Yes, Mr. President.

This bill would extend the provisions of the New York Property Underwriting Association, so-called NYPUA, for another year. It would extend it from April 30, 2000, to April 30, 2001.

And the bill also would extend the

provisions that have been in place in the law allowing for multitier programs and other initiatives that have helped to foster a vibrant insurance market in some of the high-risk areas of our state.

And, finally, it would also extend for another year the provisions requiring homeowners insurers which plan to materially reduce their coverage in a certain area to file a plan with the Insurance Department showing that the withdrawal will be done in a manner to minimize the market disruption.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, I laid the bill aside for Senator Duane, who I believe had a question on the bill.

Here he is.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. If the sponsor would yield to a couple of questions.

ACTING PRESIDENT MEIER: Senator Seward, do you yield for some questions?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Actually, I think I'm just going to thank the sponsor for his explanation, and we can move along.

SENATOR SEWARD: I'll take ten more questions exactly like that one.

ACTING PRESIDENT MEIER: Okay.

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.)

ACTING PRESIDENT MEIER: Senator Montgomery. No?

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Now, Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you.

Mr. President, I would like unanimous consent to be recorded in the

negative on Calendar 451.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar 451.

The Secretary will continue to read in regular order.

THE SECRETARY: Calendar Number 219, by Senator Spano, Senate Print 3514C, an act to amend the Labor Law and the Urban Development Corporation Act, in relation to enacting.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Spano, an explanation has been requested of Calendar 219 by Senator Duane.

SENATOR SPANO: Yes, Mr. President.

This is a bill that would provide funding for job training and skills upgrading initiatives for dislocated utility workers. The bill calls for the Department of Labor to recommend minimum standards for apprenticeship training, and also calls on the Public Service Commission to determine if it's in the public

interest to provide competitive metering services.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Thank you. If the sponsor would yield to some questions.

ACTING PRESIDENT MEIER: Senator Spano, do you yield for some questions?

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Thank you, Mr. President.

I'm wondering where I would find what kind of training would be required to be given under this.

SENATOR SPANO: What kind of training? Oh, on the apprenticeship program?

We currently, through the Department of Labor, have a number of apprenticeship programs, whether it be IBEW, the carpenters, and we have left it up to the department to establish the criteria for the apprenticeship training programs.

And under this bill, with -- as

we're facing a utility industry that is moving more towards a competitive environment, we want to make sure that we minimize the risk of workers losing their jobs and being adequately trained in this new environment.

So the -- it would be up to the agency to establish the initiative, the Department of Labor to establish the initiative. But they would look at the model that has been established under the previous criteria for the carpenters and the electricians.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Spano, do you continue to yield?

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I was hoping the sponsor could tell me what kind of reporting requirements this legislation has.

SENATOR SPANO: With respect to the Public Service Commission mandate, which

we say that we want them to determine if it's in the best interests -- in the public interest to provide competitive metering services, the -- we are requiring that no later than January 1, 2001, that they would commence this study relative to the metering services, to make a decision as to what is in the public interest.

SENATOR DUANE: Through you, Mr. President, if the sponsor would respond to another question.

ACTING PRESIDENT MEIER: Senator Spano, do you continue to yield?

SENATOR SPANO: Sure.

ACTING PRESIDENT MEIER: Senator Spano continues to yield.

SENATOR DUANE: I see the reporting about metering and meter maintenance and testing.

However, I don't see the reporting requirement for the success or the -- of the job training program, or reporting on how many people are in it or what the efficiency of the money is in terms of how it's been used, or any other kinds of documentation or standards

or anything like that.

Where -- could the sponsor tell me where in the bill that is?

SENATOR SPANO: Last year we provided in the budget a $30 million appropriation for a program called STRAP - which was an initiative, frankly, of the Majority Leader of this house. And it's called -- it stands for Strategic Training Alliance Program. That $30 million program would be used to establish these type of programs across the state of New York.

What we are expecting is that the Department of Labor, through the process that they have established in other apprenticeship programs, will be reporting to us on a periodic basis. And we will work very closely with the representatives of the utility workers to make sure that there are adequate guidelines written into these recommendations.

SENATOR DUANE: Thank you.

SENATOR SPANO: You're welcome.

SENATOR DUANE: If I may speak on the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator

Duane, on the bill.

SENATOR DUANE: I mean, I think it's clear that I am a tremendous supporter of job training and retraining programs. I think that that's something that we have to continue to invest in, and that's one of the most important things that our state can be doing.

However, I think when we're talking about millions of dollars and giving breaks to utility companies and corporations, that best intentions often don't come true. And that when we make legislation like Senator Spano's bill -- which I commend him on the efforts to provide retraining for workers -- I believe that we also have a responsibility to make sure that we get back what we're investing in.

And there's unfortunately nothing in this legislation that will guarantee that, except for faith that corporations will do the right thing. And I just am very, very skeptical that that's going to happen.

We see time and time again in New York State and New York City, when we give economic advantages to corporations, what happens is the corporations, you know, get

rich and the stockholders may do well, but the workers are not helped and the economy is not supported by them.

So without any clear guidelines on what it is that we expect to receive from the corporations, I'm going to vote no on this. And I would encourage my colleagues to do the same and wait until we actually have a way to measure the success of the program in the legislation before we pass it.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 417, by Senator Volker, Senate Print 3106A, an act to amend the Penal Law, the Criminal

Procedure Law, and the Family Court Act, in relation to enhanced penalties.

SENATOR VOLKER: Lay it aside.

ACTING PRESIDENT MEIER: The bill will be laid aside.

Lay it aside for the day, Senator Volker; is that correct?

SENATOR VOLKER: Yes.

ACTING PRESIDENT MEIER: The bill will be laid aside for the day.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 439, by Senator Skelos, Senate Print 1609, an act to amend the Correction Law, in relation to requiring.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, do you observe Senator Skelos in the chamber?

ACTING PRESIDENT MEIER: Yes, I do.

SENATOR PATERSON: Well, he looks rather robust, ready and resurged today, and I'm just not going to mess with him.

What I'll do is just state that there was considerable debate on this bill last year, and there were eight negative votes. Six of those Senators are with us today. They are Senators Duane, Montgomery, Paterson, Rosado, Santiago, and Smith.

And parenthetically, Mr. President, I point out that that was Senator Ada Smith.

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: Those recorded in the negative on Calendar Number 439 are Senators Duane, Paterson, Santiago, Miss Smith, and Mr. Smith. Ayes, 53. Nays, 5.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the controversial calendar.

SENATOR SKELOS: Would you please

recognize Senator Montgomery.

ACTING PRESIDENT MEIER: I will.

SENATOR MONTGOMERY: Mr. President.

ACTING PRESIDENT MEIER: Senator Montgomery, welcome to the Majority. And you're recognized.

(Laughter.)

SENATOR MONTGOMERY: Thank you.

I respectfully request to be recorded in the negative, from the Majority side, on Calendar 439.

SENATOR SKELOS: No objection.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar 439.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: The desk is clean, Senator.

Oh, wait a minute.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, I offer up the

following Majority committee assignment changes and ask that they be filed in the Journal.

ACTING PRESIDENT MEIER: The changes are at the desk, and they will be filed in the Journal.

SENATOR SKELOS: There will be an immediate -- following session, there will be an immediate conference of the Majority in the Majority Conference Room.

Senator Paterson.

ACTING PRESIDENT MEIER: Immediate conference of the Majority in the Majority Conference Room following session.

Senator Paterson.

SENATOR PATERSON: Mr. President, tomorrow morning at 10:15 a.m. there will be a conference of the Minority in the Minority Conference Room, Room three-point-one-four.

SENATOR PATERSON: Meeting of the Minority Conference, tomorrow morning, 10:15 a.m.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before

the Senate, I move we adjourn until Thursday, March 30th, at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Thursday, March 30th, at 11:00 a.m.

(Whereupon, at 12:26 p.m., the Senate adjourned.)