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ALBANY, NEW YORK

February 2, 1998

3:04 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

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

2 ACTING PRESIDENT MEIER: The
3 Senate will come to order. I ask everyone
4 present to rise and repeat with me the Pledge of
5 Allegiance.

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

8 The invocation will be given by
9 the Reverend William Bazemore, Pastor of Emanuel
10 Church of God in Christ, Brooklyn.

11 Reverend.

12 REVEREND WILLIAM BAZEMORE:
13 Father, in the name of Jesus, I come before You
14 today knowing You are the God that knows
15 everything. You delivered man and woman who are
16 here by me. I don't know them, Father, but I'm
17 asking You if You find one that's sick, bless
18 his body right now and make him whole, because
19 You are the only one who can do it. You are the
20 God of all of them. Let everyone understand
21 that You are real.

22 Father, You told me if I live the
23 life You told me that You'll do anything that I
24 ask You to do, and I live what You told me to
25 do, and I'm counting on You today to bring love

1 to them all. Don't let the part -- bring them
2 together. A house divided will not stand. Let
3 them know that You are real, Father. Let them
4 have the mind -- the same mind that You give
5 your son, that they will do the right thing.

6 Father, may I ask you to bless
7 us. Bless everyone in the sound of my voice
8 today and catch them in the name of Jesus. We
9 don't know everything about all of them. Bring
10 justice to them, Father. We need more justice.

11 Father, the world is going back
12 in doubt more and more today because you are
13 waiting on them, Father. You are proud of us.
14 This is a great state, and You would let them
15 live as man if they would just walk that
16 straight road and bring justice back to every
17 man and woman in this state.

18 I'm asking you now. Let Your
19 will be done in all of them. Let them know
20 where justice come, where just as love is always
21 here together. Let justice be more and more.
22 Let justice -- everyone have justice. Let
23 everyone know that You love them.

24 Father, you know the heart of
25 every man and woman in here. Let them look on

1 the little children of the state. The children
2 are the future generation. If they don't reach
3 out, there won't be nobody. Nobody here could
4 stand here in the future. You could make them.
5 You could stand by them right now and give them
6 a mind to do the right thing. Bring prayer to
7 Your little children.

8 Father, with tears in my eyes
9 sometimes, see the condition of Your children.
10 There's never enough love. Prayer will change
11 things if you bring prayer to them and move all
12 of this drugs from the children. I didn't ask
13 you to move all of the drugs. I asked you to
14 move all the drugs from Your children until
15 they're grown. Let everybody know that's what's
16 destroying this world nation. It's going to
17 destroy the nation and destroy it more and more
18 all the time.

19 I would love to be here to see
20 You bring prayer right to Your little children.
21 Just let me live that long and then after that,
22 I will be ready to go, if I can see love,
23 justice and prayer back into the school.

24 This I ask You in the name of the
25 Father, the son and the precious Holy Spirit.

1 Amen.

2 THE PRESIDENT: Amen. The
3 reading of the Journal, please.

4 THE SECRETARY: In Senate,
5 Saturday, January 31st. The Senate met pursuant
6 to adjournment. Senator Farley in the Chair
7 upon designation of the Temporary President.
8 The Journal of Friday, January 30, was read and
9 approved. On motion, the Senate adjourned.

10 THE PRESIDENT: Without
11 objection, the Journal stands approved as read.

12 Presentation of petitions.

13 Messages from the Assembly.

14 Messages from the Governor.

15 Reports of standing committees.

16 The Secretary will read.

17 THE SECRETARY: Senator Trunzo,
18 from the Committee on Civil Service and
19 Pensions, reports the following bills: Senate
20 Print 3368-A, by Senator Trunzo, an act to amend
21 Chapter 769 of the Laws of 1975;

22 4277, by Senator Trunzo, an act
23 to amend the Civil Service Law, in relation to
24 the promulgation of rules;

25 4433, by Senator Hannon, an act

1 to amend the Civil Service Law, in relation to
2 authorizing the defense and indemnification by
3 the state; and

4 5217, by Senator Volker, an act
5 to amend the Civil Service Law, in relation to
6 the definition of public employee.

7 Senator Meier, from the Committee
8 on Veterans and Military Affairs, reports:

9 Senate Print 76, by Senator Levy,
10 an act to amend the Public Service Law, in
11 relation to utility rates charged;

12 463, by Senator Larkin, an act to
13 amend the Education Law, in relation to
14 expanding student aid programs; and

15 2216, by Senator Farley, an act
16 to amend the Real Property Tax Law, in relation
17 to granting real property tax exemption.

18 All bills ordered direct for
19 third reading.

20 THE PRESIDENT: Without
21 objection, all bills direct to third reading.

22 Reports of select committees.

23 Communications and reports from
24 state officers.

25 Motions and resolutions.

1 Senator Skelos.

2 SENATOR SKELOS: I believe
3 there's several motions, Madam President.

4 THE PRESIDENT: Senator Libous.

5 SENATOR LIBOUS: Thank you, Madam
6 President.

7 On page 5, I offer up the
8 following amendments to Calendar Number 32,
9 Senate Print 4012, and ask that said bill retain
10 its place on the Third Reading Calendar.

11 THE PRESIDENT: So ordered.

12 SENATOR LIBOUS: And also, Madam
13 President, on page 6, I offer the following
14 amendments to Calendar Number 64, Senate Print
15 Number 3200-A, and ask that said bill retain its
16 place on the Third Reading Calendar.

17 THE PRESIDENT: So ordered.

18 SENATOR LIBOUS: Madam President,
19 I would like to star one of my bills, if I may,
20 put a sponsor's star on Calendar Number 144.

21 THE PRESIDENT: It will be
22 starred.

23 SENATOR LIBOUS: Thank you.

24 THE PRESIDENT: Senator -- oh,
25 I'm sorry. Senator Meier.

1 SENATOR MEIER: Thank you, Madam
2 President.

3 Madam President, on behalf of
4 Senator Stafford, I wish to call up Print Number
5 6025, recalled from the Assembly, which is now
6 at the desk.

7 THE PRESIDENT: The Secretary
8 will read.

9 THE SECRETARY: Calendar Number
10 132, by Senator Stafford, Senate Print 6025, an
11 act to amend the Real Property Tax Law, in
12 relation to extensions for the payment of taxes.

13 SENATOR MEIER: Madam President,
14 I now move to reconsider the vote by which this
15 bill was passed.

16 THE PRESIDENT: The Secretary
17 will call the roll on reconsideration.

18 (The Secretary called the roll on
19 reconsideration.)

20 THE SECRETARY: Ayes 40.

21 THE PRESIDENT: The bill is
22 restored to its place on the Third Reading
23 Calendar.

24 SENATOR MEIER: Madam President,
25 I now offer the following amendments.

1 THE PRESIDENT: The amendments
2 are received and the bill will retain its place
3 on the Third Reading Calendar.

4 SENATOR MEIER: Madam President,
5 on page number 14, on behalf of Senator Hannon,
6 I offer the following amendments to Calendar
7 Number 168, Senate Print Number 4974, and ask
8 that said bill retain its place on the Third
9 Reading Calendar.

10 THE PRESIDENT: The amendments
11 are received and the bill will retain its place
12 on the Third Reading Calendar.

13 SENATOR MEIER: Madam President,
14 on behalf of Senator Hannon, on page number 14,
15 I offer the following amendments to Calendar
16 Number 167, Print Number 4973, and ask that said
17 bill retain its place on the Third Reading
18 Calendar.

19 THE PRESIDENT: The amendments
20 are received and the bill will retain its place.

21 SENATOR MEIER: Thank you, Madam
22 President.

23 THE PRESIDENT: The Secretary
24 will read.

25 SENATOR SKELOS: Is there any

1 housekeeping at the desk?

2 THE PRESIDENT: The Secretary
3 will read the substitution.

4 THE SECRETARY: On page 13,
5 Senator Stafford moves to discharge from the
6 Committee on Consumer Protection Assembly Bill
7 Number 1357 and substitute it for the identical
8 Third Reading Calendar 157.

9 THE PRESIDENT: The substitution
10 is ordered.

11 Senator Skelos.

12 SENATOR SKELOS: Madam President,
13 there will be an immediate meeting of the Rules
14 Committee in the Majority Conference Room and at
15 this time if we could take up the non
16 controversial calendar.

17 THE PRESIDENT: There will be an
18 immediate meeting of the Rules Committee in the
19 Majority Conference Room and the Secretary will
20 read.

21 THE SECRETARY: Calendar Number
22 11, by Senator Leibell, Senate Print 2228, an
23 act to amend the Public Housing Law, in relation
24 to the statute of limitations and actions
25 against authorities.

1 SENATOR PATERSON: Lay it aside.

2 THE SECRETARY: Calendar Number
3 16, by Senator Volker, Senate Print 397, an act
4 to amend the Penal Law, in relation to issuance
5 of licenses to have and carry pistols.

6 SENATOR PATERSON: Lay it aside.

7 THE PRESIDENT: Lay it aside.

8 THE SECRETARY: Calendar Number
9 31, by Senator Cook, Senate Print 1418-A, an act
10 to amend the Insurance Law, in relation to motor
11 vehicle liability insurance rates for certain
12 persons involved in accidents.

13 THE PRESIDENT: Read the last
14 section, please.

15 THE SECRETARY: Section 4. This
16 act shall take effect on the first day of
17 January.

18 THE PRESIDENT: Call the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 42.

21 THE PRESIDENT: The bill is
22 passed.

23 THE SECRETARY: Calendar Number
24 70, by Senator Spano, Senate Print 1483, an act
25 to amend the Social Services Law, in relation to

1 requiring investigation of all reports of child
2 abuse.

3 ACTING PRESIDENT MEIER: Read the
4 last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the 120th day.

7 ACTING PRESIDENT MEIER: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 48.

11 ACTING PRESIDENT MEIER: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 72, by Senator Saland, Senate Print 4857, an act
15 to amend the Social Services Law, in relation to
16 authorizing payment of certain living expenses.

17 ACTING PRESIDENT MEIER: Read the
18 last section.

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

21 ACTING PRESIDENT MEIER: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 48.

25 ACTING PRESIDENT MEIER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 78, by Senator Marcellino, Senate Print 4126, an
4 act to amend the Environmental Conservation Law,
5 in relation to the removal of endangered,
6 threatened and protected plants.

7 ACTING PRESIDENT MEIER: Read the
8 last section.

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

11 ACTING PRESIDENT MEIER: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 48.

15 ACTING PRESIDENT MEIER: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 90, by Senator Velella, Senate Print 1189, an
19 act to amend the Criminal Procedure Law, in
20 relation to the use of electronically
21 transmitted documents before the grand jury.

22 ACTING PRESIDENT MEIER: Read the
23 last section.

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

1 November.

2 ACTING PRESIDENT MEIER: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 48.

6 ACTING PRESIDENT MEIER: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 117 -- 1117 (117), by Senator Alesi, Senate
10 Print 3210, an act to amend the Executive Law,
11 in relation to certain payments to veterans'
12 unremarried spouses.

13 ACTING PRESIDENT MEIER: Read the
14 last section.

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

17 ACTING PRESIDENT MEIER: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 48.

21 ACTING PRESIDENT MEIER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 11... 118, by Senator Present, Senate Print
25 4005, an act to amend the Executive Law and the

1 Military Law, in relation to providing
2 authority.

3 ACTING PRESIDENT MEIER: Read the
4 last section.

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

7 ACTING PRESIDENT MEIER: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 48.

11 ACTING PRESIDENT MEIER: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 121, by Senator Levy, Senate Print 602, an act
15 to amend the Vehicle and Traffic Law, in
16 relation to increasing penalties for leaving the
17 scene of an accident without reporting.

18 ACTING PRESIDENT MEIER: Read the
19 last section.

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

23 ACTING PRESIDENT MEIER: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 48.

2 ACTING PRESIDENT MEIER: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 134, by Senator Johnson, Senate Print 244, an
6 act to amend the Penal Law, in relation to
7 establishing a presumption that a child has been
8 permanently removed from the state six months.

9 ACTING PRESIDENT MEIER: Read the
10 last section.

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

13 ACTING PRESIDENT MEIER: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 49.

17 ACTING PRESIDENT MEIER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 136, by Senator Skelos, Senate Print 333, an act
21 to amend the Penal Law, in relation to
22 increasing the penalties for custodial
23 inference.

24 ACTING PRESIDENT MEIER: Read the
25 last section.

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

3 SENATOR DOLLINGER: Lay it aside.

4 ACTING PRESIDENT MEIER: I'm
5 sorry. Lay the bill aside.

6 THE SECRETARY: Calendar Number
7 139, by Senator Saland, Senate Print 816-A, an
8 act to amend the Penal Law, in relation to
9 authorizing restitution for expenses related to
10 custodial interference.

11 ACTING PRESIDENT MEIER: Read the
12 last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect on the first day of
15 November.

16 ACTING PRESIDENT MEIER: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 49.

20 ACTING PRESIDENT MEIER: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 140, by Senator Spano, Senate Print 882, an act
24 to amend the Penal Law, in relation to the crime
25 of criminal employment of a minor in a drug

1 enterprise in the first degree.

2 ACTING PRESIDENT MEIER: Read the
3 last section.

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

7 ACTING PRESIDENT MEIER: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 49.

11 ACTING PRESIDENT MEIER: The bill
12 is passed.

13 Senator Spano, this completes the
14 reading of the non-controversial calendar.

15 SENATOR SPANO: Move to the
16 controversial calendar, please.

17 ACTING PRESIDENT MEIER: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 11, by Senator Leibell, Senate Print 2228, an
21 act to amend the Public Housing Law, in relation
22 to the statute of limitations and actions
23 against authorities.

24 SENATOR PATERSON: Explanation.

25 ACTING PRESIDENT MEIER: Senator

1 Leibell.

2 SENATOR SPANO: Mr. President,
3 someone asked for an explanation of the bill?

4 ACTING PRESIDENT MEIER: Yes.
5 Senator Spano, an explanation has been
6 requested.

7 SENATOR SPANO: Would you please
8 yield to Senator Leibell.

9 SENATOR LEIBELL: Thank you,
10 Senator Spano.

11 The purpose of this bill is to
12 give the Public Housing Law or a similar
13 counterpart to Subdivision 3 of 50-i of the
14 General Municipal Law regarding the running of
15 the statute of limitations, notwithstanding the
16 lack of completion of a 50-h hearing on the
17 requirement of 30-day notice of claim.

18 ACTING PRESIDENT MEIER: Senator
19 Paterson.

20 SENATOR PATERSON: Thank you, Mr.
21 President.

22 If Senator Leibell would kindly
23 yield for a few questions.

24 ACTING PRESIDENT MEIER: Does the
25 Senator yield to a question?

1 SENATOR LEIBELL: Yes.

2 ACTING PRESIDENT MEIER: Senator
3 Leibell yields, Senator Paterson.

4 SENATOR PATERSON: Senator, I
5 understand the position of the Housing Authority
6 that there is a disparity currently between the
7 statutes -- between the Housing Authority and
8 the City. In attempting to, in a sense bring
9 these two entities into equity where the
10 statutes are concerned, did you give any
11 consideration to actually extending the statute
12 that the Housing Authority has presently to make
13 it comparable to that which the City has rather
14 than the other way around which certainly would
15 limit the opportunity of many to bring actions
16 against these entities for some tort -- on some
17 tort claim?

18 SENATOR LEIBELL: Senator, the
19 city of New York has requested this legislation
20 and it is my understanding that they have, in
21 fact, considered that. Their desire here is to
22 establish parity with every other public
23 authority, to establish equal grounds, and this
24 is the way that the city of New York felt it
25 would best be implemented.

1 SENATOR PATERSON: Thank you very
2 much, Mr. President.

3 If the Senator would continue to
4 yield.

5 SENATOR LEIBELL: Yes, sir.

6 ACTING PRESIDENT MEIER: The
7 Senator continues to yield, Senator Paterson.

8 SENATOR PATERSON: I can
9 understand why the city of New York would feel
10 that way. It would certainly make life easier
11 for their corporation counsel and for the claims
12 that are made against the City which would be
13 specifically to find what would be the best
14 protection and to try to bring parity between
15 all the agencies with that protection, but as
16 legislators, I would suggest that we might want
17 to look further to take notice of the fact that
18 individuals who live in the Housing Authority
19 are not the most advantageous when it comes to
20 getting legal advice as to what might be proper
21 action for a lawsuit.

22 Secondly, you would have the
23 issue that perhaps an individual might not
24 realize what the actual injury is for some
25 period of time and then finally the extra 30

1 days and the time to put forth the notice of
2 claim might just be the extra time in which
3 someone might make the decision to take that
4 kind of action.

5 All we would really be doing is
6 extending a small period of time which might
7 have a large value in terms of the fact that
8 this action we would be taking doesn't relate to
9 the merits of the actual case. It actually
10 relates to having the access for those who feel
11 that they aren't -- feel that they have been
12 violated in some way by the Housing Authority or
13 even the municipality itself and want to bring a
14 claim. In our country, I would think that we
15 would want to do that.

16 My question, therefore, is, is it
17 that much of a difference that we wouldn't, in
18 this type of case, if anything, lean on the side
19 of the plaintiff rather than on the side of the
20 respondent who has all of the resources to
21 defend itself in a court?

22 SENATOR LEIBELL: Senator, I
23 don't think there's any attempt here to lean one
24 way or the other. What there is an attempt to
25 do is to bring an equality to the system. The

1 same tenants who you are concerned about when
2 suing a Housing Authority live -- if they had a
3 cause of action against another governmental
4 entity, they would have the same concerns. We
5 are trying to say if they were suing on other
6 grounds against another governmental authority,
7 the same rules would apply as to the Housing
8 Authority.

9 ACTING PRESIDENT MEIER: Senator
10 Paterson.

11 SENATOR PATERSON: Thank you, Mr.
12 President, and thank Senator Leibell. He was
13 quite responsive to my questions.

14 On the bill, Mr. President.

15 ACTING PRESIDENT MEIER: Senator
16 Paterson on the bill.

17 SENATOR PATERSON: It certainly
18 makes sense to bring a parity between the
19 statute of limitations that the municipality is
20 providing and that which the Housing Authority
21 has right now, and I can certainly understand
22 Senator Leibell's point of view. It makes
23 perfect sense.

24 All I'm suggesting is that if we
25 were going to choose between the two levels of

1 protection, that we favor the value of that
2 which would bring the injured party more access
3 rather than the one that would, in a sense
4 provide lesser time and would inevitably favor
5 the institution. Even if it was not intended to
6 favor the institution, it does because there's a
7 shorter time to file the claim.

8 Under New York law, there are
9 currently nine protections that I could find
10 that told the statute of limitations. They
11 actually delay it while some situation is under
12 an operation of law and what we're saying is
13 that one of them that actually exist in this
14 particular -- in this particular legislation
15 should be allowed to go forward; in other words,
16 that there be some extra time where notice of
17 claim would be filed, where there might be a
18 hearing, where there might be a determination as
19 to whether or not there is a cause of action.
20 The fact that a person feels that they're
21 injured and they want to go to court,
22 historically municipalities have had the
23 advantage in that there are very short statutes
24 of limitations. So, therefore, if you're going
25 to bring a claim against a municipality, you

1 have to act quickly. Many people don't have the
2 resources or the access or the information that
3 they would actually need to come to that
4 determination.

5 All we're saying is that between
6 the two statutes that Senator Leibell is trying
7 to bring parity, we would favor the one that
8 would have given more time to the resident of
9 the Housing Authority or anyone else. We would
10 want them to have that extra time.

11 ACTING PRESIDENT MEIER: Read the
12 last section.

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

15 ACTING PRESIDENT MEIER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MEIER: Announce
19 the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 11 are Senators
22 Connor, Dollinger, Leichter, Montgomery,
23 Onorato, Paterson and Sampson. Ayes 46, nays 7.

24 ACTING PRESIDENT MEIER: The bill
25 is passed.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 16, by Senator Volker, Senate Print 397, an act
4 to amend the Penal Law, in relation to issuance
5 of licenses to have and carry pistols.

6 SENATOR PATERSON: Explanation.

7 SENATOR VOLKER: Mr. President,
8 this is a bill that has passed this house on a
9 number of occasions and it has been termed the
10 proper cause bill.

11 What the bill basically does is
12 to, in effect, reverse the process that goes on
13 now in that it sets up a presumption that the
14 person has a clean, moral, criminal and mental
15 record. Of course, the person still has to go
16 through the same requirements of fingerprinting
17 and records checking as there is now, which is
18 something that, I think a lot of the people that
19 have opposed this bill have discounted over the
20 years.

21 What it does is it frankly
22 simplifies the process -- we're just waiting for
23 a second here, Mr. President. At any rate, what
24 it does is it simplifies the process as far as
25 pistol permits is concerned.

1 One of the things that I think is
2 interesting about it is it probably, except
3 possibly in parts of New York City, will not
4 create a situation where a lot more pistol
5 permits will be issued.

6 The one thing it will do in all
7 honesty and -- it will eliminate a lot of the
8 restrictions on pistol permits which now are
9 done by judges, and so forth, because if a
10 person has a clean and moral character with no
11 criminal record, then actually what it would do
12 is to set up a situation where it would allow
13 the restrictions which now frankly mean very
14 little, if anything, except to make many people
15 feel better, would not be allowed.

16 This bill passed last year with a
17 considerable number of Minority people voting
18 against it, very honestly. I realize the city
19 of New York has opposed it over the years. They
20 have difficulty in explaining some of their
21 licensing procedures, but I guess that's the way
22 it is.

23 So that's what this bill does.

24 ACTING PRESIDENT MEIER: Senator
25 Dollinger.

1 SENATOR DOLLINGER: Thank you,
2 Mr. President.

3 If Senator Volker will yield just
4 to one question.

5 SENATOR VOLKER: Certainly.

6 ACTING PRESIDENT MEIER: The
7 Senator yields, Senator Dollinger.

8 SENATOR DOLLINGER: Thank you,
9 Senator.

10 You and I have discussed this
11 bill and what the effect of the presumption is.
12 My question is -- this is a concealed weapons
13 permit and my question is, is there any -- since
14 the language in the statute currently allows
15 someone to carry a concealed weapon in -
16 without regard to employment, regardless of who
17 they work for or regardless of the place of
18 possession, my question is, given your
19 preference in this bill to create a presumption
20 of good moral character, is there any place
21 where an individual with a concealed weapon
22 would be where you can think that the
23 presumption of good character might not apply,
24 where you would want to have someone prove that
25 they had good character; for example, on the

1 floor of the Senate, for example, in a hospital,
2 for example, in a jail, for example, in a child
3 care center; my question is, does -- where the
4 pistol is carried in a concealed fashion, does
5 that, in your judgment, alter in any way your
6 sense whether -- of when this presumption
7 works?

8 ACTING PRESIDENT MEIER: Senator
9 Volker.

10 SENATOR VOLKER: First of all,
11 this is not a concealed weapons bill. This is a
12 pistol permit bill. It has nothing to do with
13 concealed weapons.

14 The second thing that's
15 interesting, Senator, is carrying weapons on
16 this floor openly is something that violates our
17 rules. Licensing rules only relate to the
18 ownership of carrying pistols. They don't
19 necessarily relate to location. Schools still
20 have the right to say that you can't carry
21 pistols on premises and things of that nature.
22 I don't think there's really an understanding of
23 the fact that the decisions that judges make,
24 for instance, presently as far as weapons are
25 concerned, does not necessarily apply to every

1 premises. People still have the right to make
2 decisions if they don't want people to carry,
3 for instance, weapons on school grounds and
4 things like that for safety purposes. That's
5 not necessarily included, but what this is is in
6 the normal range of things, whether a judge
7 could issue a permit that says a person can
8 carry a weapon and is entitled to carry a weapon
9 under the present law.

10 ACTING PRESIDENT MEIER: Senator
11 Dollinger.

12 SENATOR DOLLINGER: Mr.
13 President, on the bill.

14 Senator Volker and I have
15 discussed this in prior years. With all due
16 respect to the Chairman of the Codes Committee,
17 this is an amendment to section -- to
18 Subdivision (f) which says -- if you follow the
19 language in the front, it says "a license for a
20 gunsmith or dealer, a license for a pistol or
21 revolver shall be issued to", and it says, "(f),
22 have and carry concealed without regard to
23 employment or place of possession", that is,
24 regardless of what you do in life and regardless
25 of where you possess it, anywhere -- anywhere,

1 hospital, nursing home, floor of the Senate,
2 floor of the Assembly, Governor's office, any
3 place you wanted to be, it says "by any person
4 when proper cause exists for the issuance
5 thereof" and then it contains the presumption
6 that Senator Volker has so eloquently defended.

7 My question to him was designed
8 to raise the issue of, if you assume -- if you
9 presume that someone is of good character to
10 carry a concealed weapon, does that apply every
11 place that you take it; and I'm not so sure that
12 it does.

13 I believe this does affect
14 concealed weapons, the carrying of concealed
15 weapons. I believe it creates a presumption
16 that flips the current law on its head and does
17 that unwisely. I think the city of New York is
18 proper in its skepticism about this bill.

19 I have voted against it in the
20 past. I'll vote against it today. I think if
21 we are going to allow someone to carry a
22 concealed firearm, one that you can't tell they
23 have on them and you're going to let them carry
24 it regardless of what they do, that is, no
25 matter who they work for they can carry it and

1 regardless of where they are they can carry it
2 and we're going to create a right for them to
3 carry it, it seems to me that we can require
4 that they show that they have the proper moral
5 mental character and no criminal record in order
6 to be able to justify us, this state and our
7 judges allowing them to carry a concealed weapon
8 any place regardless of what they do.

9 It's not a difficult task to
10 meet. I think it simply says we're going to
11 require people who carry concealed weapons to
12 meet a threshold of good character. It was well
13 advised when we put it in there. We would be
14 well advised to keep it.

15 ACTING PRESIDENT MEIER: Read the
16 last section.

17 Senator Paterson.

18 SENATOR PATERSON: Mr. President,
19 I've heard the discussion between Senator Volker
20 and Senator Dollinger. I thought they both
21 presented their point of view very well and
22 after careful consideration and thought on this
23 subject, I agree with Senator Dollinger. I
24 think that he -- in spite of how he's treated me
25 often on the basketball court, I thought he was

1 quite profound in his judgment and actually I
2 just wanted to add to it that we had a bill
3 previously where New York City was asking for a
4 certain equity to be drawn in the measure of the
5 statute of limitations where the Housing
6 Authority interfaces with the municipality
7 itself and New York City made it very clear and
8 so did Senator Leibell that this is what New
9 York City wants.

10 In this legislation, New York
11 City wants the same thing that Senator Dollinger
12 articulated, which would be to regulate its own
13 value for what would constitute the threshold
14 for a license to carry or possess a firearm, and
15 in that regard, there are many other pieces of
16 legislation where we are not presuming anything
17 about individuals who are fingerprinted for
18 certain types of employment in many areas
19 because we feel that it affects children or it
20 affects some area that we consider to be
21 sensitive. Certainly the license to possess a
22 firearm is a sensitive area and we generally
23 feel that this is one where we can't establish
24 that kind of presumption about anyone.

25 And on this legislation, Mr.

1 President, we would like a slow roll call vote.

2 ACTING PRESIDENT MEIER: Slow
3 roll call has been requested.

4 The clerk will call the roll.

5 THE SECRETARY: Senator Abate.

6 (There was no response.)

7 Senator Alesi.

8 SENATOR ALESI: Yes.

9 THE SECRETARY: Senator Balboni.

10 SENATOR BALBONI: Yes.

11 THE SECRETARY: Senator Breslin.

12 SENATOR BRESLIN: No.

13 THE SECRETARY: Senator Bruno.

14 (Affirmative indication.)

15 Senator Connor.

16 (Negative indication.)

17 Senator Cook.

18 (There was no response.)

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: Yes.

21 THE SECRETARY: Senator

22 Dollinger.

23 SENATOR DOLLINGER: No.

24 THE SECRETARY: Senator Farley.

25 SENATOR FARLEY: Aye.

1 THE SECRETARY: Senator Gentile.
2 SENATOR GENTILE: No.
3 THE SECRETARY: Senator Gold.
4 (There was no response.)
5 Senator Gonzalez.
6 (There was no response.)
7 Senator Goodman.
8 (Negative indication.)
9 Senator Hannon.
10 (There was no response.)
11 Senator Hoffmann.
12 SENATOR HOFFMANN: Aye.
13 THE SECRETARY: Senator Holland.
14 SENATOR HOLLAND: Yes.
15 THE SECRETARY: Senator Johnson.
16 SENATOR JOHNSON: Aye.
17 THE SECRETARY: Senator Kruger.
18 SENATOR KRUGER: No.
19 THE SECRETARY: Senator Kuhl.
20 (There was no response.)
21 Senator Lachman.
22 SENATOR LACHMAN: No.
23 THE SECRETARY: Senator Lack.
24 (There was no response.)
25 Senator Larkin.

1 (There was no response.)
2 Senator LaValle.
3 (There was no response.)
4 Senator Leibell.
5 (There was no response.)
6 Senator Leichter.
7 SENATOR LEICHTER: No.
8 THE SECRETARY: Senator Levy,
9 excused.
10 Senator Libous.
11 SENATOR LIBOUS: Aye.
12 THE SECRETARY: Senator Maltese.
13 (There was no response.)
14 Senator Marcellino.
15 SENATOR MARCELLINO: Yes.
16 SENATOR SKELOS: Mr. President,
17 are the bells ringing?
18 ACTING PRESIDENT MEIER: Senator
19 Skelos.
20 SENATOR SKELOS: Are the bells
21 ringing?
22 ACTING PRESIDENT MEIER: Yes,
23 Senator Skelos, they are.
24 SENATOR SKELOS: Thank you.
25 ACTING PRESIDENT MEIER: The

1 Secretary will resume the roll call.

2 THE SECRETARY: Senator

3 Marcellino.

4 SENATOR MARCELLINO: Yes.

5 THE SECRETARY: Senator Marchi.

6 SENATOR MARCHI: Aye.

7 THE SECRETARY: Senator

8 Markowitz.

9 SENATOR MARKOWITZ: No.

10 THE SECRETARY: Senator Maziarz.

11 SENATOR MAZIARZ: Aye.

12 THE SECRETARY: Senator Meier.

13 SENATOR MEIER: Yes.

14 THE SECRETARY: Senator Mendez,

15 excused.

16 Senator Montgomery.

17 SENATOR MONTGOMERY: No.

18 THE SECRETARY: Senator Nanula.

19 SENATOR NANULA: No.

20 THE SECRETARY: Senator Nozzolio.

21 (There was no response.)

22 Senator Onorato.

23 SENATOR ONORATO: No.

24 THE SECRETARY: Senator

25 Oppenheimer.

1 SENATOR OPPENHEIMER: No.
2 THE SECRETARY: Senator Padavan.
3 SENATOR PADAVAN: Yes.
4 THE SECRETARY: Senator Paterson.
5 SENATOR PATERSON: No.
6 THE SECRETARY: Senator Present.
7 SENATOR PRESENT: Aye.
8 THE SECRETARY: Senator Rath.
9 SENATOR RATH: Aye.
10 THE SECRETARY: Senator Rosado.
11 (There was no response.)
12 Senator Saland.
13 SENATOR SALAND: Aye.
14 THE SECRETARY: Senator Sampson.
15 SENATOR SAMPSON: No.
16 THE SECRETARY: Senator Santiago.
17 (Negative indication.)
18 Senator Seabrook.
19 (There was no response.)
20 Senator Seward.
21 SENATOR SEWARD: Yes.
22 THE SECRETARY: Senator Skelos.
23 SENATOR SKELOS: Yes.
24 THE SECRETARY: Senator Smith.
25 (There was no response.)

1 Senator Spano.
2 (There was no response.)
3 Senator Stachowski.
4 SENATOR STACHOWSKI: Yes.
5 THE SECRETARY: Senator Stafford.
6 (There was no response.)
7 Senator Stavisky.
8 (There was no response.)
9 Senator Trunzo.
10 SENATOR TRUNZO: Yes.
11 THE SECRETARY: Senator Velella.
12 (There was no response.)
13 Senator Volker.
14 SENATOR VOLKER: Yes.
15 THE SECRETARY: Senator Waldon,
16 excused.
17 Senator Wright.
18 SENATOR WRIGHT: Aye.
19 ACTING PRESIDENT MEIER: Call the
20 absentees.
21 THE SECRETARY: Senator Abate.
22 SENATOR ABATE: No.
23 THE SECRETARY: Senator Cook.
24 (There was no response.)
25 Senator Gold.

1 (There was no response.)
2 Senator Gonzalez.
3 (There was no response.)
4 Senator Hannon.
5 SENATOR HANNON: Yes.
6 THE SECRETARY: Senator Kuhl.
7 SENATOR KUHL: Aye.
8 THE SECRETARY: Senator Lack.
9 SENATOR LACK: Aye.
10 THE SECRETARY: Senator Larkin.
11 SENATOR LARKIN: Aye.
12 THE SECRETARY: Senator LaValle.
13 SENATOR LAVALLE: Aye.
14 THE SECRETARY: Senator Leibell.
15 (There was no response.)
16 Senator Maltese.
17 SENATOR MALTESE: Aye.
18 THE SECRETARY: Senator Nozzolio.
19 (There was no response.)
20 Senator Rosado.
21 (There was no response.)
22 Senator Seabrook.
23 SENATOR SEABROOK: No.
24 THE SECRETARY: Senator Smith,
25 excused.

1 Senator Spano.

2 SENATOR SPANO: Aye.

3 THE SECRETARY: Senator Stafford.

4 SENATOR STAFFORD: Aye.

5 THE SECRETARY: Senator Stavisky.

6 (There was no response.)

7 Senator Velella.

8 SENATOR VELELLA: Yes.

9 ACTING PRESIDENT MEIER: Announce
10 the results.

11 THE SECRETARY: Ayes 32, nays 18.

12 ACTING PRESIDENT MEIER: The bill
13 is passed.

14 Calendar Number 136, by Senator
15 Skelos, Senate Print 333, an act to amend the
16 Penal Law, in relation to increasing the
17 penalties for custodial interference.

18 SENATOR PATERSON: Explanation.

19 ACTING PRESIDENT MEIER: Senator
20 Skelos.

21 SENATOR SKELOS: Mr. President,
22 this legislation would increase the penalties
23 for custodial interference, in particular,
24 creating the new crime of custodial interference
25 in the third degree where there is no -- a

1 decision pending by the courts as to final
2 custody but there has been interference by one
3 of the parents.

4 ACTING PRESIDENT MEIER: Senator
5 Dollinger.

6 SENATOR DOLLINGER: Mr.
7 President, I raised during -- on this bill
8 during the Codes Committee deliberation, I
9 raised a technical issue with respect to some of
10 the definitional questions. In the interim
11 since that meeting, I have had discussions with
12 counsel for the Deputy Majority Leader and I'm
13 satisfied. Although the bill, I think could be
14 -- it's not perhaps perfect in its
15 draftsmanship, I think it's strong enough to
16 survive.

17 Therefore, I'm going to be voting
18 in the affirmative.

19 ACTING PRESIDENT MEIER: Read the
20 last section.

21 THE SECRETARY: Section 4. This
22 act shall take effect on the 15th day of
23 November.

24 ACTING PRESIDENT MEIER: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 55.

3 ACTING PRESIDENT MEIER: The bill
4 is passed.

5 Senator Skelos.

6 SENATOR SKELOS: I believe
7 there's a -- if we could return to reports of
8 standing committees, I believe there's a report
9 of the Rules Committee at the desk. I ask that
10 it be read.

11 ACTING PRESIDENT MEIER: The
12 Secretary will read.

13 THE SECRETARY: Senator Bruno,
14 from the Committee on Rules, reports the
15 following bill direct to third reading: Senate
16 Print 6112, by Senator Wright, an act to
17 authorize the New York State Urban Development
18 Corporation to utilize certain funds.

19 ACTING PRESIDENT MEIER: Senator
20 Skelos.

21 SENATOR SKELOS: Substitution -
22 is there a substitution to be made at the desk?
23 Move to accept the report of the Rules
24 Committee.

25 ACTING PRESIDENT MEIER: The

1 motion is to accept the report of the Rules
2 Committee. All in favor of accepting the report
3 signify by saying aye.

4 (Response of "Aye".)

5 Opposed, nay.

6 (There was no response.)

7 The report of the Rules Committee
8 is accepted.

9 Senator Skelos.

10 SENATOR SKELOS: I believe, Mr.
11 President, the bill is being distributed and
12 we'll take it up in a moment.

13 SENATOR SKELOS: Mr. President.

14 ACTING PRESIDENT MEIER: Senator
15 Skelos.

16 SENATOR SKELOS: At this time if
17 we could take up Senate 6112.

18 ACTING PRESIDENT MEIER: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 176, by Senator Wright, Senate Print 6112, an
22 act to authorize the New York State Urban
23 Development Corporation to utilize certain
24 funds.

25 SENATOR DOLLINGER: Explanation.

1 ACTING PRESIDENT MEIER: Senator
2 Skelos.

3 SENATOR SKELOS: Is there a
4 message of necessity at the desk?

5 ACTING PRESIDENT MEIER: Yes,
6 Senator, there is.

7 SENATOR SKELOS: Move to accept.

8 ACTING PRESIDENT MEIER: The
9 motion is to accept the message of necessity.
10 All in favor of accepting the message signify by
11 saying aye.

12 (Response of "Aye".)

13 Opposed, nay.

14 (There was no response.)

15 The message is accepted.

16 SENATOR DOLLINGER: Just an
17 explanation.

18 ACTING PRESIDENT MEIER: The
19 Secretary will read -- the Secretary will read
20 the last section.

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

23 SENATOR DOLLINGER: Mr.
24 President, could we just have an explanation?

25 ACTING PRESIDENT MEIER: Senator

1 Dollinger.

2 SENATOR DOLLINGER: I assume this
3 came out of the Rules Committee.

4 SENATOR SKELOS: Yes, it was
5 reported from the Rules Committee.

6 SENATOR DOLLINGER: Could we just
7 have a brief explanation of it.

8 ACTING PRESIDENT MEIER: Senator
9 Wright, an explanation has been requested by
10 Senator Dollinger of Senate Bill Number 6112.

11 SENATOR WRIGHT: Thank you, Mr.
12 President.

13 You'll find 6112 on your desk, I
14 believe. It's a Governor's program bill
15 relative to the state of emergency and the
16 disaster that was declared for the North
17 Country, and what this bill does is provide
18 state funding through the -- excuse me -
19 Economic Development Agency available to small
20 businesses, agribusiness and other enterprises
21 within that six-county region that was
22 designated as a disaster area and it's to
23 provide up to \$5,000 in grants or 50 percent of
24 the estimated cost of the damages, whichever is
25 less, from state funds, and the intent is to

1 provide a direct infusion of state assistance to
2 these six-county impacted regions, to help
3 revitalize the economy, particularly that of
4 small businesses throughout that region,
5 particularly in areas where federal assistance
6 cannot and will not be directed to those
7 initiatives.

8 ACTING PRESIDENT MEIER: Senator
9 Dollinger.

10 SENATOR DOLLINGER: One question
11 on the bill, Mr. President, through you to
12 Senator Wright.

13 Section 4 says that where -- the
14 PACB will not have approval authority. Could
15 you explain the rationale for cutting the PACB
16 out of this?

17 SENATOR WRIGHT: Well, I think
18 the rationale is simply from the standpoint of
19 the appropriation. They are \$5,000 projects, so
20 no single project is going to exceed that
21 amount, which is a relatively small amount given
22 the history of the PACB. More importantly, this
23 is disaster assistance that is hopefully going
24 to be expedited as quickly as possible in terms
25 of providing relief to the small businesses of

1 the North Country.

2 SENATOR DOLLINGER: Again through
3 you, Mr. Chairman.

4 ACTING PRESIDENT MEIER: Senator
5 Dollinger.

6 SENATOR DOLLINGER: Through you
7 to Senator Wright, is this going to be done on
8 an application process? Is this a
9 reimbursement, file your forms with your damages
10 and you'll get up to a \$5,000 grant? Is that
11 how it's going to work?

12 SENATOR WRIGHT: There will be a
13 process. There will be eligible project costs
14 as are defined in the bill and you will be
15 reimbursed up to \$5,000 or 50 percent of the
16 costs.

17 SENATOR DOLLINGER: Thank you,
18 Mr. President.

19 I'm satisfied.

20 SENATOR WRIGHT: Thank you, Mr.
21 Dollinger.

22 ACTING PRESIDENT MEIER: Read the
23 last section.

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

1 ACTING PRESIDENT MEIER: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 55.

5 ACTING PRESIDENT MEIER: The bill
6 is passed.

7 SENATOR WRIGHT: On the bill.

8 ACTING PRESIDENT MEIER: Senator
9 Wright.

10 SENATOR WRIGHT: Thank you.

11 On this bill -- and I appreciate
12 the Senate's passage of it -- I want to take the
13 opportunity to commend the Governor and his
14 executive staff in presenting this program bill.

15 From the beginning, the Governor
16 and his people have worked extremely closely
17 with us. Since we have returned to session,
18 Senator Stafford, Senator Meier, myself, as well
19 as our Assembly colleagues have been meeting
20 with the Governor and his senior people on a
21 regular basis. This is one of but several bills
22 that have been advanced in direct response to
23 the concerns expressed by our constituents and
24 the needs that are articulated by the people in
25 our district, and I want to commend the Governor

1 for his prompt and quick attention to this
2 matter.

3 Thank you.

4 ACTING PRESIDENT MEIER: The bill
5 is passed.

6 Senator Skelos.

7 SENATOR SKELOS: Mr. President,
8 at this time could you take up Calendar Number
9 132, Senate 6025-A, which was restored and
10 amended earlier today.

11 ACTING PRESIDENT MEIER: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 132, by Senator Stafford, Senate Print 6025-A,
15 an act to amend the Real Property Tax Law, in
16 relation to extensions for the payment of taxes.

17 SENATOR SKELOS: Mr. President.

18 ACTING PRESIDENT MEIER: Senator
19 Skelos.

20 SENATOR SKELOS: Is there a
21 message of necessity at the desk?

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

24 SENATOR SKELOS: Move to accept.

25 ACTING PRESIDENT MEIER: The

1 motion is to accept the message of necessity.

2 All those in favor signify by saying aye.

3 (Response of "Aye".)

4 Opposed, nay.

5 (There was no response.)

6 The message is accepted.

7 Read the last section.

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

10 ACTING PRESIDENT MEIER: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 55.

14 ACTING PRESIDENT MEIER: The bill
15 is passed.

16 SENATOR SKELOS: Mr. President.

17 ACTING PRESIDENT MEIER: Senator
18 Skelos.

19 SENATOR SKELOS: There will be an
20 immediate meeting of the Rules Committee in the
21 Majority Conference Room and the Senate will
22 stand at ease pending the report of the Rules
23 Committee.

24 ACTING PRESIDENT MEIER: There
25 will be an immediate meeting of the Rules

1 Committee in the Majority Conference Room and
2 the Senate will stand at ease.

3 (Whereupon, the Senate stood at
4 ease from 4:00 p.m. until 4:07 p.m.)

5 SENATOR SKELOS: Mr. President.

6 ACTING PRESIDENT MEIER: Senator
7 Skelos.

8 SENATOR SKELOS: If we could
9 return to reports of standing committees again,
10 I believe there is a report of the Rules
11 Committee. I ask that it be read.

12 ACTING PRESIDENT MEIER: The
13 Secretary will read.

14 THE SECRETARY: Senator Bruno,
15 from the Committee on Rules, reports the
16 following bill direct to third reading: Senate
17 Print 6113, by Senator Stafford, an act to amend
18 the Executive Law, in relation to the dairy
19 indemnity program and providing for the repeal
20 of such provisions upon expiration thereof.

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

23 ACTING PRESIDENT MEIER: The
24 motion is to accept the report of the Rules
25 Committee. All in favor of accepting the report

1 signify by saying aye.

2 (Response of "Aye".)

3 Opposed, nay.

4 (There was no response.)

5 The report is accepted.

6 Senator Skelos.

7 SENATOR SKELOS: Mr. President,
8 if we could take up Senate 6113.

9 ACTING PRESIDENT MEIER: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 177, by Senator Stafford, Senate Print 6113, an
13 act to amend the Executive Law, in relation to
14 the dairy indemnity program.

15 SENATOR SKELOS: Is there a
16 message of necessity at the desk?

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

19 SENATOR SKELOS: Move to accept.

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

23 (Response of "Aye".)

24 Opposed, nay.

25 (There was no response.)

1 The message of necessity is
2 accepted.

3 Read the last section.

4 SENATOR DOLLINGER: Mr.
5 President, could we just have an explanation as
6 to what the bill is?

7 ACTING PRESIDENT MEIER:
8 Certainly. Senator Dollinger has requested an
9 explanation, Senator Stafford.

10 SENATOR STAFFORD: Thank you, Mr.
11 President.

12 Once again, we're concerned for
13 the tragedy that fell upon my area of the
14 state. I'm very aware of these problems
15 happening in other parts of the state and other
16 parts of the country, but believe me, I just say
17 that this was beyond what words can really
18 explain.

19 This is a dairy indemnity
20 program. I would only say -- I won't wish you
21 people were there but, of course, even in small
22 herds, when you drove up to a farm and you saw a
23 fairly good size herd and you saw cows laying on
24 the ground that were down, cows not being able
25 to breath, milk being dumped and, of course,

1 that was the health reason also because the milk
2 couldn't be chilled. If it can't be chilled
3 right off, you have a problem with it. So just
4 a terrible situation.

5 We have people in the industry -
6 and this gives me a chance to make this point.
7 In some areas of our state right now, the
8 farmers have been operating for the last 18
9 months selling milk under cost, and I think all
10 of you will realize the seriousness of that
11 problem.

12 This will provide funds for those
13 who lost in the dairy industry and the major
14 problem, of course, was income, and that's the
15 milk check, and this is very, very necessary.

16 I certainly compliment the
17 Governor for being involved as he has been with
18 his people. I compliment all who are being so
19 helpful to all of us, and that's everybody.
20 It's just unbelievable, the outpouring of
21 support that we've received.

22 You know, you hesitate to say
23 that there's one industry that is hurt more than
24 another; in other words, if anybody is losing
25 their income that serious because that's dollars

1 and cents. This will help, will support the
2 dairy industry.

3 I urge everyone to please support
4 it, and I certainly would be glad to answer any
5 questions.

6 ACTING PRESIDENT MEIER: Senator
7 Dollinger.

8 SENATOR DOLLINGER: Thank you,
9 Mr. President.

10 If the Chairman of Finance will
11 yield for a question.

12 SENATOR STAFFORD: By all means.

13 ACTING PRESIDENT MEIER: The
14 Senator yields, Senator Dollinger.

15 SENATOR DOLLINGER: Where does
16 the money come from in this bill to make these
17 payments?

18 SENATOR STAFFORD: Well, let me
19 see. I'll get it here. The money would come
20 from the general fund -- let me see the bill -
21 and it will -- I assure you if we can't find
22 someone to administer it, we will, I'll
23 guarantee you that.

24 SENATOR DOLLINGER: As I read the
25 bill, through you, Mr. President, it's going to

1 be administered through the state Emergency
2 Management Office and the Commissioner of
3 Agriculture and Markets.

4 SENATOR STAFFORD: They have been
5 right there on the scene.

6 SENATOR DOLLINGER: It says here
7 also that they're going to be made from the
8 Division of Military and Naval Affairs Disaster
9 Assistance Program. Do you know how much money
10 is in there?

11 SENATOR STAFFORD: In where?

12 SENATOR DOLLINGER: In that
13 program.

14 SENATOR STAFFORD: In this bill,
15 it's \$1 million.

16 SENATOR DOLLINGER: It's \$1
17 million?

18 SENATOR STAFFORD: Right.

19 SENATOR DOLLINGER: Is there any
20 individual payment limitation to cooperatives or
21 farmers?

22 SENATOR STAFFORD: No.

23 SENATOR DOLLINGER: Do you know
24 how many will be served by the bill? Do you
25 have any idea how many people might get payments

1 out of it?

2 SENATOR STAFFORD: There were
3 1,824 dairy farms in the six-county area
4 impacted by the storm and -

5 SENATOR DOLLINGER: 1,824.

6 SENATOR STAFFORD: So that's a
7 lot of people.

8 SENATOR DOLLINGER: Okay. Again
9 through you, Mr. President, I don't need a
10 further explanation. I'm going to vote in favor
11 of this bill but perhaps the Chairman of Finance
12 will some day tell me, dairy farms -- the bill
13 says that dairy farms provide needed open spaces
14 for clean air sheds. My experience when passing
15 near a dairy farm, it's not necessarily clean
16 air. It's a good thing, but maybe some day
17 someone will explain to me what a clean air shed
18 is near a dairy farm.

19 SENATOR STAFFORD: I can explain
20 it right now. The reason these cows were
21 dropping is because it wasn't clean air.

22 SENATOR DOLLINGER: Because it
23 wasn't clean air. That's what I was asking.

24 Thank you, Mr. President. I'm
25 satisfied.

1 ACTING PRESIDENT MEIER: Read the
2 last section.

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

5 ACTING PRESIDENT MEIER: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 55.

9 ACTING PRESIDENT MEIER: The bill
10 is passed.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: I was out
13 of the chambers when there was a vote on
14 Calendar 11, Senate Bill 2228. I would request
15 to be recorded in the negative.

16 ACTING PRESIDENT MEIER: Without
17 objection.

18 Senator Nozzolio.

19 SENATOR NOZZOLIO: Thank you, Mr.
20 President.

21 Mr. President, during a slow roll
22 call, I was inadvertently out of the chamber,
23 and I would ask to be recorded -- if I were
24 here, recorded in the positive on Calendar
25 Number 16, Senator Volker's measure, S.397.

1 ACTING PRESIDENT MEIER: So
2 noted.

3 Senator Leibell.

4 SENATOR LEIBELL: Yes, Mr.
5 President. On the vote on S.397, Calendar
6 Number 16, I was out of the chamber
7 inadvertently at the time. I would like to have
8 -- had I been here, I would like my vote
9 recorded in the affirmative.

10 ACTING PRESIDENT MEIER: The
11 record will so note.

12 SENATOR SKELOS: Is there any
13 housekeeping at the desk?

14 ACTING PRESIDENT MEIER: There is
15 none.

16 SENATOR SKELOS: There being no
17 further business, I move we adjourn until
18 Tuesday, February 3rd, at 3:00 p.m.

19 ACTING PRESIDENT MEIER: On
20 motion, the Senate stands adjourned until
21 Tuesday, February 3rd, at 3:00 p.m.

22 (Whereupon, at 4:19 p.m., the
23 Senate adjourned.)

24

25