ALBANY, NEW YORK

April 5, 1994

4:02 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Please take your places. Ask the members to stand and the visitors in the gallery to join me in saying the Pledge of Allegiance.

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

There is no visiting clergy today, so I would ask that we all bow our heads in a moment of silence.

(A moment of silence was observed. )

Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 4th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Sunday, April 3rd, was read and approved. On motion, Senate adjourned.

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

Order of business: Presentation

of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Wright.

SENATOR WRIGHT: Mr. President, on behalf of Senator Farley, on page number 22, I offer the following amendments to Calendar Number 435, Senate Print Number 214-B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: So ordered.

SENATOR WRIGHT: On behalf of Senator Farley, on page number 17, I offer the following amendments to Calendar Number 468, Senate Print Number 1593, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: So

ordered.

SENATOR WRIGHT: On behalf of Senator Velella, I request that Calendar Number 472 be starred.

ACTING PRESIDENT KUHL: Bill is starred at the request of the sponsor.

Senator Holland.

SENATOR WRIGHT: Thank you.

SENATOR HOLLAND: Mr. President, on behalf of Senator Levy, I ask -- request that Calendar Number 433, Senate Bill Number 80-B be starred.

ACTING PRESIDENT KUHL: Bill is starred at the request of the sponsor.

Substitutions?

THE SECRETARY: On page 13 of today's calendar, Senator Velella moves to discharge the Committee on Local Government from Assembly Bill Number 9781, and substitute it for the identical Calendar Number 348.

ACTING PRESIDENT KUHL: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President, I believe you have a privileged resolution at the desk. May we have the title read and acted upon.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Legislative Resolution, by Senator Kuhl, mourning the death of Lynn J. Morse, chairman of the Steuben County Legislature, who died Saturday, April 2nd, 1994.

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

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

Senator Present, the calendar.

SENATOR PRESENT: Mr. President, can we take up the non-controversial calendar please.

ACTING PRESIDENT KUHL: The clerk will read.

THE SECRETARY: On page 11, Calendar Number 233, by Senator Holland, Senate Bill Number 2839-B, an act to amend the Social Services Law.

SENATOR GOLD: Yeah. Would Senator Holland be kind enough to give us one day?

SENATOR HOLLAND: Yes.

SENATOR GOLD: Thank you very much.

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

THE SECRETARY: Calendar Number 237, by Senator Lack, Senate Bill Number 1396-A, an act to amend the Civil Service Law, in relation to the definition of veteran.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 383, by member of the Assembly Sanders, Assembly Bill Number 16...

SENATOR GOLD: Lay aside for Senator Waldon.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 405, by Senator Holland, Senate Bill Number 147...

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 438, by Senator Wright, Senate Bill Number 6864-A, an act to amend the Highway Law.

SENATOR PRESENT: Lay aside for the day.

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

THE SECRETARY: Calendar Number 445, by Senator Cook, Senate Bill Number 574-A, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 448, by Senator LaValle, Senate Bill Number 2487-A, General Municipal Law, in relation to service award programs for volunteer firefighters.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 458, by Senator Marino, Senate Bill Number 6737, authorize the town of Huntington in the county of Suffolk to discontinue the use of park land.

ACTING PRESIDENT KUHL: There's a home rule message at the desk.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 473, by Senator Velella, Senate Bill Number 6890, Insurance Law, in relation to forged insurance identification cards.

ACTING PRESIDENT KUHL: Last section.

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 476, by Senator DeFrancisco, Senate Bill Number 6509, Public Authorities Law, in relation to the Onondaga County Resource Recovery Agency.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 477, by Senator Rath, Senate Bill Number 6715, Religious Corporations Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator Marino, Senate Bill Number 7239, General Municipal Law, in relation to the designation of economic development zones.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

SENATOR GOLD: Lay it aside for Senator Galiber.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Present, that completes the non-controversial calendar. What's your pleasure?

SENATOR PRESENT: Mr. President, let's take up the controversial calendar, please.

ACTING PRESIDENT KUHL: Clerk will call.

THE SECRETARY: On page 14, Calendar Number 383, by member of the Assembly Sanders.

SENATOR GOLD: Last section.

THE SECRETARY: Assembly Bill Number 168-A, Executive Law, in relation to information for crime victims.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Holland, Senate Bill Number 1475-B, Social Services Law and the Workers' Compensation Law.

SENATOR GOLD: Yeah.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Hold on one minute.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 473, by Senator Velella, Senate Bill Number 6890, Insurance Law, in relation to forged insurance identification cards.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator Marino.

SENATOR GOLD: Yeah. Could Senator Galiber get one day on this bill, please? All right.

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

Senator Present.

SENATOR PRESENT: Mr. President, can we stand at ease for a few moments.

ACTING PRESIDENT KUHL: Senate will stand at ease for a few moments.

SENATOR PRESENT: Mr. President, can we take up Calendar 405, please.

ACTING PRESIDENT KUHL: Clerk

will call Calendar Number 405.

THE SECRETARY: On page 16, Calendar Number 405, by Senator Holland, Senate Bill Number 1475-B, an act to amend the Social Services Law and the Workers' Compensation Law.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Mr. President, this bill by Senator Holland deals with the Social Services placing a lien against Workers' Comp. on some benefits -- Senator Markowitz?

(Commissioner Halperin entered the chamber.)

The best example of a homeless person in the world.

As I was saying before the czar walked in, this bill would allow the Department of Social Services to place a lien against Workmen's Compensation benefits for the repayment of public assistance, and we have debated this in the past, and Senator Galiber and myself, Senators Leichter, Markowitz, Mendez, Ohrenstein, Oppenheimer, Smith and

Stavisky have voted in the negative and, unless anybody else -- Senator Waldon has also opposed the legislation. If nobody else wants to say anything, maybe we just want to go to a vote.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Those recorded in the negative on -- those recorded in the negative on Calendar Number 405 are Senators Galiber, Gold, Markowitz, Ohrenstein, Oppenheimer, Smith and Waldon. Ayes 41, nays 7.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present, that completes the controversial calendar.

SENATOR PRESENT: Recognize Senator Levy.

SENATOR LEVY: Yes, Mr. President. There will be a meeting of the Transportation Committee in the Majority Conference Room at 3 -- at 4:30.

ACTING PRESIDENT KUHL: There will be an immediate meeting at 4:30 of the Transportation Committee in the Room 332, Majority Conference Room.

SENATOR GOLD: Mr. President, I think Senator Oppenheimer was about -- was about to ask recognition of the Chair from her seat.

SENATOR OPPENHEIMER: Yes, I'm standing. I have a motion to discharge Senate Bill 6739.

ACTING PRESIDENT KUHL: Senator, there is a motion to discharge at the desk. The clerk will read.

THE SECRETARY: By Senator Oppenheimer, Senate Bill Number 6739, an act to amend the Penal Law and the General Business Law, in relation to assault weapons, and to amend the Criminal Procedure Law and the Penal Law, in relation to enhancing the penalties for

the criminal sale of firearms and providing for the repeal of certain provisions of the Penal Law upon expiration thereof.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you.

This bill is the same as the Assembly Bill A. 7118-C which was passed in the Assembly on January 17th of this year, and I guess none of us need to be reminded, but currently the law imposes no significant restrictions on ammunition capacity of any rifle or shotgun or pistol and -- nor any restriction on possession of magazines or clips.

These -- these are needed restrictions because they have -- these guns have the capacity to fire very large quantities of ammunition without reloading.

As you're probably aware also, you know that outside of New York City, you don't need a license, and so in the rest of the state anyone over 18, with identification, who is going to sign a form that states that they

are not a felon, that they have not been adjudicated mentally defective, that they have not been dishonorably discharged, that they aren't an unlawful drug user, that they're not an illegal alien nor person who's renounced his or her citizenship, they can leave that store with a rifle or a shotgun, including any semi automatic assault weapon -- would you get the noise down a little bit?

ACTING PRESIDENT KUHL: Senator's point is well taken. Ladies and gentlemen, let's show a little respect to the Senator's motion.

Senator Oppenheimer.

SENATOR OPPENHEIMER: And indeed -- I'm sorry. Indeed, some of our Senators have gone in and just purchased guns without any identification at all, simply saying that they are not mentally incompetent and that they haven't been in jail, and I mean anybody who wants to buy an illegal gun is going to sign that and it doesn't matter what the truth of the matter is, they will simply lie and sign the

form.

The Assembly bill, which is our bill, bans the possession of about 40 -- 35 or 40 rifles and pistols by brand and model number. It also bans, most importantly, even more importantly, copies of these rifles and shotguns and pistols because we all know what happens when a particular model like an Uzi or AK-47 or Beretta, once they are banned, then simply models somehow designed come out exactly like them that do -- having that same capacity or more.

In addition, I guess most importantly is that it defines -- this bill defines what an assault weapon is. Further, it limits the number of bullets in an ammunition clip. In rifles and shotguns, it limits it to six shots, actually five in the clip and one in the gun, and with a pistol it's limited to six -- ten shots.

Now, most important for many of our people who very legally and very enjoyably use their guns for target shooting or possess

them because they are collectors, it should be noted that these people are exempt. If they are target shooters, marksmen, collectors of guns, they can get a license and they will be exempt.

I think this is very important. I mean I, for one, certainly have long been opposed to guns, and yet when someone came to my office last year and said he was a marksman and he had a very finely tuned semi-assault weapon which he used when he went to competitions and what was important was that he needed to have a second gun in the car with him because these very finely tuned machines are liable to break during competition and, therefore, asked me to go to bat for him so that he could have two of these guns when he goes to competition, and indeed I did. I mean this is a very valid use, and we do want to support our hunters and those people who are using guns for sport in target shooting.

Now, recent events in Nassau County and in Brooklyn have provided the impetus and really a gruesome testimony -- testament to

why we need regulation of semi-assault weapons. None of us will forget that on December 7, 1993, Colin Ferguson boarded the 5:33 Long Island Rail Road train out of Penn Station and opened fire, killing six people and wounding 23. Ferguson pumped 30 rounds out of his Ruger P-9 9 millimeter automatic pistol in less than four minutes.

More recently on March 2nd, 1994, Rashid Baz opened fire on a van of 15 Hasidic students on a ramp on the Brooklyn Bridge. Four teenagers are injured, one is killed, I believe another maybe. The police estimate that Baz fired some 30 shots in the time it took him to cross the Brooklyn Bridge. In his home, police discovered quite an arsenal: A 9 millimeter Cobra hand gun with two 50-round clips; a Block 17 semi-automatic pistol; a fully loaded "street sweeper" 12-gauge shotgun, and that gun does just what its name is, it sweeps the street. You don't have to take any aim. You just let it loose. And they also found a .380 semi automatic pistol.

These are but two of the incidents in which assault weapons, weapons of mass destruction have been the weapon of choice for criminals who indiscriminately kill. Semi automatic weapons, often modified versions of military style issued weapons, are specifically designed to kill indiscriminately and at close range. They are made for war. We are now facing a war on our streets, not on the battlefield, or rather the battlefield has now become our streets.

They're often equipped with magazines providing them with an unreasonably large ammunition capacity. This allows for short-range quick firing without the necessity of ever having to take any aim. Unregulated possession of very large capacity weapons obviously poses a danger to the public and law enforcement. Waiting until the next Long Island Rail Road massacre or Brooklyn Bridge shooting will be too late. We must restrict the sale of these weapons of death.

In New York City, in New Jersey,

in Connecticut they have outlawed semi-assault weapons. We should join our neighboring states and stop the proliferation of these dangerous weapons and their ammunition. Indeed, our governor, about two or three months ago, went down to Virginia to speak with Governor Wilder there in order to halt the enormous number of weapons that were coming up to New York from Virginia. We are doing what we can with our neighbors who have not taken the steps that Connecticut and New Jersey have taken.

Machine guns have long been outlawed in New York. Now, why did we do that? Why did we outlaw machine guns? Well, it's for the very same reasons that I'm speaking today. There's absolutely no lawful use for machine guns or for semi-assault weapons. They're a threat to public safety and to our law enforcement, and we have to take the same steps to minimize the number of these dangerous weapons on our streets that we took when we outlawed machine guns.

The arms race is now in the

streets. The cop on the street knows what the -- what the Senate Majority apparently does not know because they have not permitted this on the floor, this bill, but criminals are much better armed today than they have ever been before. In March of this year, the New York Police Department moved to match the fire power of the modern criminal by equipping its new recruits with the Glock 15-round 9 millimeter semi automatic as its standard issue weapon. Each officer carries three 15-round clips. Now, this is quite a contrast with the six-shot .38 revolvers that we're replacing, that were replaced by these new weapons.

Despite the hyperbole of the NRA, this is a very, very reasonable bill. It would only restrict a very limited and specific class of weapons, those that have the capacity to fire large quantities of ammunition without reloading or which -- or which are capable of rapid reloading. It would permit possession and use of assault weapons for organized marksmanship competition, and for target firing at ranges

that are owned by gun clubs. It will be required that the individual owning the gun belong to a gun club.

This proposed assault weapon ban does enjoy very widespread support among law enforcement organizations. It's really fascinating to see the interest groups in support, and it makes you understand that this is no -- these are not Alice-in-Wonderland types of people. We're talking the Association of Chiefs of Police support this bill; the Captains' Endowment Association; the New York Conference of Mayors and Municipal Officials; the Council of Churches; Detective Endowment Association; District Attorneys' Association of New York State; Law Enforcement Council; League of Women Voters; Lieutenants' Benevolent Association; Metropolitan Police Conference; New City Housing Patrolmen's Benevolent Association; New York City Transit Patrolmen's Association; New York State Federation of Police; Patrol men's Benevolent Association of the city of New York; Police Conference of New York; Sergeants'

Benevolent Association; Veteran Police Association -- the list goes on.

We really have to respond. Our law enforcement officers are saying they're fearful. In fact, not only police, parents, folks everywhere are saying that they're fear ful. I put in a bill several years ago, about five or six years ago, a very strong ban on semi-assault weapons, and I was told not to expect any action on the bill, and nothing has happened, but things have gotten increasingly worse and our streets are increasingly armed and I think all of America is now telling us that they're fearful of the violence on our streets; and most of us here are mothers and fathers and I think we should care that guns are killing our children. It is the number one cause of death for several age groups. It's the leading cause of death for both black and white teen-age boys is gunshot wounds. Firearms kill more people between the ages of 15 and 24 than all natural causes combined. An average of 14 children and teenagers are killed with guns each day.

I'll wrap up now. At any rate, it could be one of our children that's on that railroad or in that car and these weapons are merely modified versions of military weapons. They were never meant to be used in non military -- in a non-military arena. They have increased at an alarming rate in the last few years on the streets of this state and in our nation. Our police are outgunned and our citizens are panicked and like the Brady bill, this is a small bill, but it's a first step and I think it's a step that is urgently needed to quell the fears of society-at-large in our nation and in our state.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Other members wishing to speak on the issue? Senator Padavan.

SENATOR PADAVAN: Would Senator Oppenheimer respond to a question or two?

SENATOR OPPENHEIMER: Sure.

SENATOR PADAVAN: Senator, my questions are purely technical in nature in

regard to the specific bill before us. As I believe you explained, there is a specific list of items, assault weapons, contained on page 3 of the bill. However, you also indicate that, as it says later on in this proposed legisla tion, that individuals would be allowed to license such weapons assuming they were involved in legitimate rifle clubs or competitive marks manship, is that correct? Did I understand you?

SENATOR OPPENHEIMER: That is correct, Senator.

SENATOR PADAVAN: Senator, are you aware of the fact that several of the weapons on this list -- and one of the most egregious ones, in my mind, is the "street sweeper", an automatic/semi-automatic shotgun, was recently outlawed by the Congress, by the federal government, so you could not license it? You can't even have it any longer. That's something that happened quite recently and since the Assembly acted on this bill.

SENATOR OPPENHEIMER: Yes, Senator.

SENATOR PADAVAN: Are you aware of that?

SENATOR OPPENHEIMER: Yes, Senator. There are, I believe, certain amend ments that would have to be made.

SENATOR PADAVAN: To this bill.

SENATOR OPPENHEIMER: To this bill. For example.

SENATOR PADAVAN: So, Senator, if I may understand what you're saying: You're saying this bill would have to be amended so that it would conform to what is now federal law regard to several specific weapons including the "street sweeper", is that a fair statement to make?

SENATOR OPPENHEIMER: If the federal law supersedes our law, yes.

SENATOR PADAVAN: O.K. Well, I think you're absolutely right, Senator, that it would have to be amended, that in its present form it's defective to that extent.

The other question I'd like to - to raise, Senator, you mentioned the fact that

New York City already has a statute dealing with these weapons and that this bill would be compatible. I believe that's more or less what you said and, if you didn't, you could correct me.

SENATOR OPPENHEIMER: I did not say, Senator, that it would be compatible. I mentioned in my statement at the beginning that there are three places where -

SENATOR PADAVAN: Are you aware that -

SENATOR OPPENHEIMER: -- where, surrounding us -

SENATOR PADAVAN: Yes.

SENATOR OPPENHEIMER: - Connecticut, New Jersey and the southern part of our state do have bans.

SENATOR PADAVAN: But New York City has a ban, no licensure for registration, or ownership for any reason for most of the weapons if not all of the weapons on your list; so what we would have is in the city of New York, should this ever become law in its amended

form, and we've already agreed it has to be amended, the city of New York would be different than the rest of the state. That is a contradiction, am I correct, or certainly a difference; perhaps not a contradiction, but a difference? Would you agree?

SENATOR OPPENHEIMER: We have continual -- I would not call them contradic tions. I would say that at a lower level of government, we have permitted normally more stringent rules than we ever adopted at a higher level of government. Therefore, in my county, for example, we have item pricing -

SENATOR PADAVAN: Does this bill provide for that?

SENATOR OPPENHEIMER: Throughout the state?

SENATOR PADAVAN: Does this bill provide for that?

SENATOR OPPENHEIMER: More stringent regulation than that we put down?

SENATOR PADAVAN: Yes.

SENATOR OPPENHEIMER: One would

assume that is always available.

SENATOR PADAVAN: I take your word for it; you say you assume it's so, then I accept that, although I can't see it specific ally mentioned.

Now, one other thing you mentioned in your presentation, Senator, and again I want to preface my question by saying I do not disagree with the basic thrust, I'm simply pointing out that this bill has a lot of problems with it that have to be addressed. You mention that the individual on the Long Island Rail Road and also that individual who killed a number of young Hasidic men on the Brooklyn Bridge possessed a semi-automatic weapon. In both instances the weapon that was used was a semi-automatic pistol and in both instances was illegal. Are you aware of that fact?

SENATOR OPPENHEIMER: Yes, I am.

SENATOR PADAVAN: So while the point is made that we have a problem with regard to semi-automatic weapons, in those two specific instances that you cited, those weapons were

already illegal, both in the city of New York and in the other case outside the city of New York and, while I think it's important for us to recognize since you've acknowledged that fact, that unless something is done on a federal level we will continue to have that kind of a problem. Would you accept that as a matter of judgment?

SENATOR OPPENHEIMER: Senator Padavan, I know of your bill in the -

SENATOR PADAVAN: And I'm not talking about -

SENATOR OPPENHEIMER: And I know your convictions.

SENATOR PADAVAN: And I'm not talking about my bill or any other bill or your bill except the one you're trying to discharge.

SENATOR OPPENHEIMER: Right. I would say that it would be optimal for the federal government to pass the legislation.

SENATOR PADAVAN: As they've already done as we discussed before with several of these weapons that we discussed; just

recently, but they've done it.

SENATOR OPPENHEIMER: Agreed.

SENATOR PADAVAN: Do you agree that that would be the preferable vehicle so that there would not be the importation of these weapons from one state to another where someone could buy it in one state and bring it into New York; do you agree that that would be preferable?

SENATOR OPPENHEIMER: There is no question that that is preferable.

SENATOR PADAVAN: Thank you very much.

SENATOR OPPENHEIMER: And if I could add, I would support Senator Padavan's bill. I believe that this bill has a few added measures. I would also like to comment that it is common to do chapter amendments in the Legislature when they are needed, so that could be attended to through a chapter amendment in response to the original question of Senator Padavan.

ACTING PRESIDENT KUHL: Are there

any other members wishing to speak on the motion to discharge?

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I think Senator Padavan's comments with respect to Congress acting on the "street sweeper" and the continual progression of the debate on limitations on assault weapons brings up a good point. I think that's just the kind of debate we ought to have, and there's one way to have it, vote in favor of this motion, put it before the house, and then the issues of whether we're preempted by the federal government or whether we should wait for the federal government to act on this and do nothing ourselves and stand by while people are killed in our streets and yet we continue to rely on the federal government to do it while other states have taken the initiative and done it themselves, that would be a fruitful topic of discussion. I'm sure there'd be a lively debate over that as we talk about whether we should be

out front of the federal government as leaders or whether we should simply follow an agenda set by someone else. I think that that's a debate that this body ought to have.

Mr. President, I rise because 79 days ago I stood in front of this house and asked that a measure be considered that would advance a bill to ban or control, restrict access to assault weapons. 79 days have passed; I've been keeping my vigil with the little sign that's on my lapel hoping that this would prompt the conscience of those who believe that we ought to do something to reduce our health care costs, that we ought to reduce the propensity for violence in our society and that we ought to do something to protect the people in our streets.

It hasn't happened yet, and I marvel that on the day we came here on January 15th, we came here in honor of Dr. King and yesterday we celebrated the anniversary of Dr. King's death. 78 days have transpired in between, and while so much seemed to be

happening at the federal level where Congress was moving to ban possession of "street sweepers", the New York State Senate was doing nothing.

It seems to me this is a very, very simple issue. New York is now one of six states in the country where guns claim more lives than automobiles. Remember what happened a decade ago when we became concerned about the rising incidence of young people using alcohol and driving a motor vehicle? This body, this Legislature, enacted legislation that increased the age of majority at which someone could consume alcohol, and the reason for that was because alcohol, when combined with driving, was extremely dangerous to our young people and we made a determination that we were better off restricting their access until they grew up to be age 21 and reached a point where they could better handle alcohol and understand what it means to drive an automobile under the influence of alcohol. It seems to me that's a very, very simple paradigm for what we ought to do here.

In 1992 in this state firearm deaths numbered approximately 2345 while motor vehicle deaths were 1959. 20 percent more people died from use of firearms than they do from automobiles. Motor vehicle deaths have been steadily declining largely because this Legislature intervened and took alcohol away from those who were irresponsible in using it. Gun deaths, on the contrary, are going just the other way. They're increasing, and it seems to me that the consequence of allowing free access to assault weapons is that they oftentimes end up in the hands of people who are prone to violence, prone to bitterness, prone to hate and prone to killing.

If you look at our system of the way we handle the consequences of assault weapons, keep one thing in mind, if I told you that there was a way to reduce the health care costs in this state, to significantly reduce it, to reduce the consequences, the consequences to families of gunshot wounds, I'm sure everybody in this chamber would jump at the chance to do

it.

It seems to me it's a simple jump to conclude that, if you don't have access to a weapon of multi-person violence, if you don't have access to a weapon that can gun down a dozen people at a time, we'd decrease the number of people who suffer gunshot wounds, the number of people who are showing up in our emergency wards in the major metropolitan centers and throughout the state to be treated for gunshot wounds, we'd save money, we'd reduce our health care cost. It's that simple.

I recognize that restricting access to assault weapons will not result in a reduction in crime. I admit that. That's not a simple equation. I don't believe it, but I do believe it will do one thing. Assault weapons are weapons of increased violence. By pulling the trigger, by increasing the volume of spray from a weapon, you can kill more people. It's a difficult thing; it's a difficult thing, a difficult concept to recognize that what we're doing is reducing the propensity for violence,

the number of people who would be killed.

Yesterday in Rochester, I sat at the Martin Luther King Commission luncheon next to Walter Pontroy, who was the delegate from the District of Columbia to the United States Congress for 20 years. He told me a story about a killing in Washington in which ten people were shot with an automatic, with a semi-automatic weapon because one of the ten people in the crowd was apparently an alleged drug dealer with whom they were having a turf war. Nine innocent people died in that spray of gunfire. If the individual who was pulling that trigger did not have access to assault weapons, the chance that those other nine people would die would have been much, much smaller.

In conclusion, Mr. President, I've spoken about this issue before. I'll continue to wait through Day 79 and 70 -- and 80 and 81, and perhaps Day 100, and I'll always marvel at what legislators have done in the hundred days when they had the will to do it, how a Senate and a House of Representatives and

a United States Congress could begin the process of taking the country out of a depression in a mere hundred days, how they can change the course of an entire country and an entire generation because they have the legislative will to do it.

What we lack here is that will. I can't understand, Mr. President, our love affair with guns. I don't know how long we're going to have to have the continuing nightmare of untold deaths before we wake up and realize that we've got to stop -- start restricting access to dangerous weapons of violence and killing.

Let's let the nightmare stop, the new day begin. Let this bill be debated on the merits and let's give the people of this state what they're demanding and what they know will provide real protection to them, a ban and a restriction on assault weapons.

Thank you, Mr. President.

SENATOR GOLD: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Anyone else wish to speak on the motion to discharge? All those -- Senator Oppenheimer.

SENATOR OPPENHEIMER: Mr. President, I just want to say a couple of words before we close.

I was just looking at some statistics, and I think we should pause and think about this before we take this vote. In 1991, and that's just one year, there were 38,000 people killed by firearms in homicides, suicides and accidents. That's more than a hundred people a day. It's also more than the total number of Americans that were killed in battle in the Korean War. If that isn't a shocking statistic!

And here's another point that I didn't make earlier. In 1992, hand guns were used in murders of 33 people in Britain, 36 people in Sweden, 97 people in Switzerland, 128 in Canada, 13 in Australia, 60 in Japan and over 13,000 in our country.

I don't know if many of you saw

this in the newspaper on Friday, this past Friday, April 1st, but this was a picture of the two fathers of the Japanese students who were slain in Los Angeles and, while they were slain not with semi-automatic weapons, these two gentlemen -- and my heart goes out to them - they suggest that Americans should stop shooting people.

I think we have to start controlling guns for our own self-interest. I hear that, in Japan, they're now warning people about coming to America as tourists. I think America and New York State would make a good start, at least New York State, with this bill.

ACTING PRESIDENT KUHL: The question is on the motion to discharge.

SENATOR GOLD: Party vote in the affirmative.

ACTING PRESIDENT KUHL: All those in favor aye.

SENATOR PRESENT: Party vote in the negative.

ACTING PRESIDENT KUHL: Opposed

nay? Clerk will record a party line vote.

THE SECRETARY: Ayes 21, nays 34, party vote.

ACTING PRESIDENT KUHL: Motion is defeated.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Could I star one of my bills?

ACTING PRESIDENT KUHL: Certainly.

SENATOR LIBOUS: Senate 6219-A, Calendar 249.

ACTING PRESIDENT KUHL: Clerk will record a sponsor's star on Calendar Number 249.

Senator Stavisky.

SENATOR STAVISKY: Mr. President, without objection, I should like to be recorded in the negative on Calendar Number 405.

SENATOR SOLOMON: Same.

ACTING PRESIDENT KUHL: Without objection. Senator Solomon, same? Without

objection.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT KUHL: Senator Connor.

SENATOR CONNOR: Yes, I'd like unanimous consent to be recorded in the negative on Calendar 405 also.

ACTING PRESIDENT KUHL: Without objection.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, may I have unanimous consent to be in the negative on Calendar Number 405?

ACTING PRESIDENT KUHL: Without objection.

Senator Gold.

SENATOR GOLD: Yes. Before the leader takes over, I think Senator Onorato may want to be recognized.

On behalf of Senator Mendez, may I remind everybody immediate Democratic Conference in the Democratic Minority room as soon as we complete session.

Senator Onorato?

ACTING PRESIDENT KUHL: Senator Onorato.

SENATOR ONORATO: No, no, O.K.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf Senator Skelos, I wish to call up his bill, Senate Print 1958-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Skelos, Senate Bill Number 1958-A, an act to amend the Executive Law.

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

ACTING PRESIDENT KUHL: Call the roll on reconsideration.

(The Secretary called the roll on

reconsideration. )

THE SECRETARY: Ayes 55.

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

ACTING PRESIDENT KUHL: Amend ments received.

Senator Present.

SENATOR PRESENT: All cleaned up? Mr. President, there being no further business, I move that we adjourn until tomorrow at 11:00 a.m.

ACTING PRESIDENT KUHL: Senate stands adjourned until tomorrow at 11 a.m.

(Whereupon at 4:52 p.m., the Senate adjourned. )