ALBANY, NEW YORK

April 25, 1994

3:56 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: The Senate will come to order. Senators will please find their seats.

Please rise with me for the Pledge of Allegiance to the Flag.

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

Today, in the absence of visiting clergy, we'll bow our heads in a moment of silent prayer.

(A moment of silence was observed.)

ACTING PRESIDENT FARLEY: The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Sunday, April 24th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Saturday, April 23rd, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as

read.

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor. We have a message from the Governor. We have a veto message from the Governor. Can't win 'em all.

THE SECRETARY: The Governor returned without executive approval Senate Bill Number 6350, by Senator Volker and others, Veto Number 2, an act to amend the Penal Law and the Criminal Procedure Law, the Judiciary Law and the County Law, in relation to the imposition of the death penalty.

ACTING PRESIDENT FARLEY: Message is received. The bill will be laid on the table, without objection.

Reports of standing committees.

No report.

Reports of select committees.

Communication and reports from state officers.

Motion and resolutions. Senator Cook.

SENATOR COOK: Mr. President, I have a privileged resolution at the desk. Could you read the title, please.

ACTING PRESIDENT FARLEY: The Secetary will read the title of Senator Cook's resolution.

THE SECRETARY: Legislative Resolution, by Senator Cook, honoring Michael K. Hood, upon the occasion of his designation for special honor on April 27th, 1994 at the annual dinner of the Delaware County Sheriff's Department.

ACTING PRESIDENT FARLEY: All in favor of adopting the resolution, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Cook.

SENATOR COOK: Mr. President, would you also please place a star on Calendar

Number 325, Senate Print 2277-A and -

ACTING PRESIDENT FARLEY: 325 is starred.

SENATOR COOK: And I wish to call up my bill, Senate Print Number 6321, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: The Secretary will read Senator Cook's bill.

THE SECRETARY: Senate Bill Number 6321, by Senator Stafford.

ACTING PRESIDENT FARLEY: Oh, Senator Stafford's bill.

SENATOR COOK: Senator Stafford's bill, I beg your pardon.

THE SECRETARY: An act in relation to the creation of a fire district in the town of Westport.

ACTING PRESIDENT FARLEY: Senator Cook.

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

ACTING PRESIDENT FARLEY: Call

the roll on reconsideration of the bill.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Cook.

SENATOR COOK: Mr. President, I now offer, in behalf of Senator Stafford the following amendments.

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its place.

SENATOR COOK: Also I move that the following bills be discharged from its - from committee and be recommitted with instructions to strike the enacting clause: Senate Bill Number 1912 and Senate Bill 4613.

ACTING PRESIDENT FARLEY: The bills -- the enacting clauses are struck and recommitted without objection.

Senator Stafford.

SENATOR STAFFORD: Mr. President,

could I please announce an immediate meeting of the Committee on Finance in Room 332.

ACTING PRESIDENT FARLEY: The Finance Committee will meet immediately in Room 332.

Senator Wright.

SENATOR WRIGHT: Mr. President, on behalf of Senator Skelos, on page number 16, I offer the following amendments to Calendar Number 619, Senate Print Number 1296, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR WRIGHT: Mr. President, on behalf of Senator Rath, on page number 16, I offer the following amendments to Calendar Number 630, Senate Print Number 7225, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR WRIGHT: Mr. President,

on behalf of Senator Farley, on page number 9, I offer the following amendments to Calendar Number 465, Senate Print Number 2424, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR WRIGHT: Mr. President, on behalf of Senator Farley, on page number 21, I offer the following amendments to Calendar Number 127, Senate Print Number 342, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR WRIGHT: And request that the star be removed on same bill.

ACTING PRESIDENT FARLEY: Without objection, the star is removed.

SENATOR WRIGHT: Thank you.

ACTING PRESIDENT FARLEY: Any other motions on the floor?

We have a substitution. Senator

Present, all right to substitute? Secretary will read the substitution.

THE SECRETARY: On page 20 of today's calendar, Senator Hannon moves to discharge the Committee on Housing and Community Development from Assembly Bill Number 9554, and substitute it for the identical Third Reading 656.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Any other motions? Any house keeping?

Senator Present, are you ready for the calendar?

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

ACTING PRESIDENT FARLEY: Secretary will read non-controversial.

THE SECRETARY: On page 5, Calendar Number 282, by Senator Stafford, Senate Bill Number 437-C, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah, if I could just explain my vote.

In the past, there's been a lot of negatives on this, and my understanding is that Senator Stafford has met the objections of many of these groups, and at the present time there's a memo in support from the Adirondack Mountain Club, and I would vote in the affirmative.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 455, by Senator LaValle, Senate Bill Number 6492-A, an act to amend the General Municipal Law and the State Finance Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR OPPENHEIMER: What number is that?

ACTING PRESIDENT FARLEY: We were

just on -- what was that? 455. 455, by Senator LaValle. The bill is passed.

THE SECRETARY: Calendar Number 503, by Senator Lack, Senate Bill Number 3999-A, an act to amend the Civil Rights Law, granting mothers an absolute right to breast feed.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays one, Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 555, by Senator Holland, Senate Bill Number 6633-A, an act to amend the Public Health Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: You can call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 586, by Senator Trunzo.

SENATOR TRUNZO: Lay that aside for amendment, please.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 603, by Senator Libous, Senate Bill Number 4871, General Business Law, unlawful possession of tobacco.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 607, by Senator Levy, Senate Bill Number 71-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: There's a local fiscal impact note here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR PRESENT: Mr. President, lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 610, by Senator Levy, Senate Bill Number 7475,

in relation to authorizing the Commissioner of Transportation and others to develop and implement a unified statewide system.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 611, by Senator Levy, Senate Bill Number 7476, authorizing the Commissioner of Transportation to conduct a comprehensive review of the feasibility of establishing permanent state motor carrier inspection facilities.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- ayes 40, nays 3, Senators DeFrancisco, Farley and Wright recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 618, by the Assembly Committee on Rules, Assembly Bill Number 11323, prevent loss of state aid for education to the North Syracuse Central School District.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 625, by Senator Saland, Senate Bill Number 2245, Executive Law and the Family Court Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 626, by Senator Saland, Senate Bill Number 3378, an act to amend the Domestic Relations Law.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 629, by Senator Daly, Senate Bill Number -

ACTING PRESIDENT FARLEY: What

was that?

THE SECRETARY: Senate Bill Number 6796, an act to amend the Social Services Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 631, by Senator Skelos, Senate Bill Number 7466, Domestic Relations Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 634, by Senator Present, Senate Bill Number 1591, an act to amend the Penal Law.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 638, by Senator Volker, Senate Bill Number 3639, an act to amend the Penal Law, in relation to the issuance of licenses to have -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 639, by member of the Assembly Nolan, Assembly Bill Number 6344-A, an act to amend the Penal Law, in relation to prohibiting the criminal sale of a police uniform.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 654, by Senator Hannon.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 656, substituted earlier today, by member of the Assembly Lopez, Assembly Bill Number 9554, Private Housing Finance Law, in relation to loans to housing development fund companies.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 657, by Senator LaValle, Senate Bill Number 7064, an act to amend the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 658, by Senator LaValle, Senate Bill Number 7150, Education Law, in relation to filing State University financial statements.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47, nays one, Senator Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 659, by Senator Seward.

SENATOR GOLD: Would you want to lay that aside for the day, please?

ACTING PRESIDENT FARLEY: Senator Seward, do you wish to lay it aside for the day?

SENATOR SEWARD: One day.

ACTING PRESIDENT FARLEY: Lay it aside, for the day.

THE SECRETARY: Calendar Number 660, by Senator LaValle, Senate Bill Number 7525, an act to amend the Education Law, in relation to reporting requirements of the City University.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47, nays one, Senator Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could I have unanimous consent to be recorded in the negative on 503, I believe, that passed earlier?

ACTING PRESIDENT FARLEY: Yes, it did. 503?

SENATOR LIBOUS: In the negative, please.

ACTING PRESIDENT FARLEY: Senator Libous is in the negative.

SENATOR JONES: Mr. President.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: Yes, Mr. President. Could I have unanimous consent to be recorded in the negative on Calendar Number 282?

ACTING PRESIDENT FARLEY: 282, Senator Jones would be in the negative. Wait a second. That didn't pass as yet. It did pass. I'm sorry.

SENATOR JONES: All right.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT FARLEY: Yes.

SENATOR STACHOWSKI: May I have unanimous consent to be recorded in the negative on 282, Calendar 282?

ACTING PRESIDENT FARLEY: 282, Senator Stachowski is in the negative.

Senator Connor.

SENATOR CONNOR: Yes, Mr. President. May I have unanimous consent to be recorded in the negative on Calendar 282?

ACTING PRESIDENT FARLEY: 282, Senator Connor.

Senator Mendez in the negative on

282?

SENATOR MENDEZ: Yes.

ACTING PRESIDENT FARLEY: Got it.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President, I think we're ready for the controversial calendar.

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

THE SECRETARY: On page 15, Calendar Number 603, by Senator Libous, Senate Bill Number 4871, an act to amend the General Business Law, in relation to unlawful possession of tobacco with intent to use by persons under the age of 18.

SENATOR GOLD: Senator yield to a question?

ACTING PRESIDENT FARLEY: Senator Libous, would you yield to Senator Gold?

SENATOR LIBOUS: Senator Gold, always, sir.

SENATOR GOLD: Yeah. Senator, I

understand, I think, what you're getting at.

SENATOR LIBOUS: Senator Gold, I'm having a difficult time hearing you.

ACTING PRESIDENT FARLEY: Yes. Let's have a little order in this house. Hold your conversations outside the chamber, please. Go ahead.

SENATOR GOLD: Yeah. Senator, I understand, I think, what you're trying to do and I probably agree with everything. I'm just curious, what happens to the -- to the young ster? Supposing it's a 15-year-old person with cigarettes. What -- I know there's a confisca tion of the cigarettes.

SENATOR LIBOUS: Confiscation of the cigarettes, possibility of a $50 fine, violation. Very similar, Senator Gold, to what we did with alcohol where possession would result in a violation and just a -- it could be the possibility of a fine, not necessarily result in a fine.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FARLEY: Negatives please raise your hands.

THE SECRETARY: Those recorded in the negative on Calendar Number 603 are Senators Cook, Farley, Galiber, Mendez, Montgomery, Smith, Solomon, also Senator DeFrancisco, also Senator Onorato, also Senator Johnson, also Senator Daly, also Senator Velella, also Senator Rath.

ACTING PRESIDENT FARLEY: Results. Take your time.

THE SECRETARY: Those recorded in the negative on Calendar Number 603 are Senators Cook, Daly, DeFrancisco, DiCarlo, Farley, Galiber, Johnson, Mendez, Montgomery, Rath, Smith, Solomon and Velella, also Senators Connor and Senator Present. Ayes 33, nays 15.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 607, by Senator Levy, Senate Bill Number 71-A, an act to amend the Vehicle and Traffic Law and the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately. Oh, hold on, before you read the last section. There's a local fiscal impact note here at the desk. Now, you can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR HANNON: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Lay it aside, Senator Present?

SENATOR PRESENT: Lay it aside temporarily.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Could I have unanimous consent to be in the negative on Calendar 282?

ACTING PRESIDENT FARLEY: 282, Senator Oppenheimer is in the negative, without objection.

626.

THE SECRETARY: Calendar Number 6...

ACTING PRESIDENT FARLEY: Senator Levy. Excuse me, Senator Present.

SENATOR PRESENT: Mr. President, can we return to reports of standing committees.

ACTING PRESIDENT FARLEY: Yes, we may. The Secretary will read a report of a standing Committee on Finance, I believe.

THE SECRETARY: Senator Stafford, from -

ACTING PRESIDENT FARLEY: O.K.

Hold on. Let's hold the conversations down to a minimum. Go ahead. The Secretary will go to regular order.

THE SECRETARY: Calendar Number 626, by Senator Saland, Senate Bill Number 3378, an act to amend the Domestic Relations Law, in relation to making technical change.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 629, by Senator Daly, Senate Bill Number 6796, an act to amend the Social Services Law, in relation to making reports from the statewide central register.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for, Senator Daly.

SENATOR DALY: Mr. President, I think the best way I can begin to explain this bill is to read a letter from a child protective case worker who really gave me the thoughts of introducing the bill, and it reads as follows:

"In my work as a child protective case worker for Monroe County, I encountered a situation in which I wanted to share information with a parole officer on an abusive father and found that SS 442 of the Social Service Law does not permit my sharing the information unless the individual has been convicted under a certain kind of felony. The case which I'm involved with concerns a father who was found by Family Court to have raped and sodomized his two daughters. Because he is in jail for drug felony convictions, I'm not allowed to share the Family Court order with the parole officer for consideration at the parole hearing. This was the decision of our legal department."

That starts -- that is the first part of the letter that basically explains why I have introduced this legislation. Very frankly, it's to protect the child. We do believe that in situations where a person who has been convicted because of a drug-related, marijuana related crimes should, when going before the Parole Board, have his record as a child abuser given to the Parole Board so that it, too, can be taken into consideration. That's what the bill does.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Will Senator Daly yield?

SENATOR DALY: Certainly.

SENATOR LEICHTER: Senator, I'm just trying to get a better understanding of the bill, and I've been very concerned about the mechanism that we have for the protection of children from abuse. I don't think the mechanism is working as we want it to work. There are a lot of problems with the central

register and with the way they conduct investigations and the follow-up that's taken. So anything that would make the central register more effective and would help us in combatting abuse and identifying people who might commit abuse is to be commended.

I'm just trying to just understand the bill, and I'm sorry I didn't have a chance to look at it beforehand or to speak to you, but as I understand it, you say that under the current law that information may not be given even where somebody was convicted of a felony if that felony related to -- to a controlled substance?

SENATOR DALY: Yes. May I just cover the bill, Senator, perhaps and again I should have explained it in more detail.

Under existing law, you can give that information. If you look at the bill, line 17 -

SENATOR LEICHTER: Yeah.

SENATOR DALY: -- of the bill, it says subject had been convicted of a felony

under Article 120, 125, or 135.

SENATOR LEICHTER: Right.

SENATOR DALY: We've added 220 or 225, which are the drug-related convictions. The other -- the other articles mentioned there are convictions for another -- other felonies. So what -- under existing law, you can pass that information along under certain felonies. We're just adding a new felony. Right now, you can not do it under a drug-related felony.

SENATOR LEICHTER: O.K.

SENATOR DALY: We're saying with a drug-related felony, you should be able to pass that information along.

SENATOR LEICHTER: And Senator, are you saying that these are convictions?

SENATOR DALY: Yes.

SENATOR LEICHTER: I have no objection. Thank you.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 634, by Senator Present, Senate Bill Number 1591, an act to amend the Penal Law.

SENATOR PRESENT: One second.

ACTING PRESIDENT FARLEY: What's he say?

SENATOR GOLD: One second.

ACTING PRESIDENT FARLEY: One second.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for the day.

THE SECRETARY: Calendar Number 638, by Senator Volker, Senate Bill Number 3639, an act to amend the Penal Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Lay it aside, I guess.

SENATOR PRESENT: Temporarily.

ACTING PRESIDENT FARLEY: Temporarily.

THE SECRETARY: Calendar Number 654, by Senator Hannon, Senate Bill Number 277, an act to amend the Administrative Code of the city of New York and the Emergency Tenant Protection Act.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Lay that bill aside temporarily, I guess, or Senator Hannon?

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

Senator Present.

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

ACTING PRESIDENT FARLEY: Senate will stand at ease.

(The Senate stood at ease briefly.)

ACTING PRESIDENT FARLEY: Senator Levy.

SENATOR LEVY: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 282.

ACTING PRESIDENT FARLEY: 282, Senator Levy is in the negative.

Senator Present.

SENATOR PRESENT: Mr. President, would you -

ACTING PRESIDENT FARLEY: Hold on. The Senate will come to order.

SENATOR PRESENT: Would you recognize Senator Goodman?

ACTING PRESIDENT FARLEY: Senator Goodman.

SENATOR GOODMAN: May I please be recorded in the negative on Calendar Number 282?

ACTING PRESIDENT FARLEY: Calendar 282, Senator Goodman is in the negative.

Senator Present.

SENATOR PRESENT: Mr. President, may we return to reports of standing committees?

ACTING PRESIDENT FARLEY: Yes, we may. Secretary will read a report of a standing committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill directly for third reading: Senate Bill Number 7795, an act providing for payments to municipalities and to providers of medical services under the medical assistance program.

ACTING PRESIDENT FARLEY: Substitution is ordered. No objection, third reading. Senator Present, do you wish to have its third reading now?

SENATOR PRESENT: Mr. President, is there a message of necessity -

ACTING PRESIDENT FARLEY: There is, sir.

SENATOR PRESENT: -- at the desk?

ACTING PRESIDENT FARLEY: Yes, there is.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT FARLEY: All in favor of accepting the message, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

ACTING PRESIDENT FARLEY: The message is accepted.

SENATOR PRESENT: May it have its third reading at this time?

ACTING PRESIDENT FARLEY: Your pleasure. Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bill directly for third reading, Senate Bill Number 7803, by the Senate Committee on Rules, an act making an appropriation for the support of government.

ACTING PRESIDENT FARLEY: Directly to third reading.

THE SECRETARY: Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 11440 and substitute it for the identical third reading, Senate Bill Number 7803.

ACTING PRESIDENT FARLEY: Substitution is ordered. There's a message here, Senator Present.

SENATOR PRESENT: Mr. President, are there two messages, one for appropriation and one for necessity?

ACTING PRESIDENT FARLEY: That's right, sir.

SENATOR PRESENT: I move that we accept the messages.

ACTING PRESIDENT FARLEY: All in favor of accepting the message, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The message is accepted. Have its third reading at this time?

SENATOR PRESENT: Have its third reading.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: That bill is passed.

SENATOR HOLLAND: Mr. President.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: With unanimous

consent, I'd like to be recorded in the negative on Calendar Number 661.

ACTING PRESIDENT FARLEY: 661, Senator Holland is in the negative.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Can we return to Calendar Number 638, please.

ACTING PRESIDENT FARLEY: 638, the Secretary will read it.

THE SECRETARY: Calendar Number 638, by Senator Volker, Senate Bill Number 3639, an act to amend the Penal Law, in relation to the issuance of licenses to have and carry pistols.

SENATOR VOLKER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Volker.

SENATOR VOLKER: Mr. President - oh, I'm sorry.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for, Senator Volker.

SENATOR VOLKER: Yeah, I kind of figured that. Sorry I didn't give the Minority Leader his prerogatives.

ACTING PRESIDENT FARLEY: I'm going to ask that the conversations be held to a minimum so we can hear Senator Volker.

Go ahead.

SENATOR VOLKER: Give the short version. Mr. President.

This is a bill that's passed this house on a number of occasions. What the bill would do, very simply, is create a presumption that a person of clean moral, criminal and mental record or mental character has the proper cause for the issuance of a license to carry a pistol.

In all honor -- in all honesty, the way in which this would work would basically be the reverse of the way the system works today, but if the system works today as well as it should, then the same people that would be approved under the present system would also be approved under this system.

The one thing that, in all honesty, this would do would be to presumably create a system that would more rapidly and properly allow people with clean records to get pistol permits in this state.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Hold it, hold it.

ACTING PRESIDENT FARLEY: Wait a second. Why not? Senator Gold.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR VOLKER: Certainly.

SENATOR GOLD: First of all, Senator, it's my understanding that the city of New York which has opposed this in the past does oppose it this year also. Do you have a memo from them?

SENATOR VOLKER: The only memo I have -- I saw somebody deliver a memo to you, a copy to you, and I was going to ask you, very honestly -- the only memo I have is a memo, from 1973 -- 1973! 1993, signed by John Bozzella. I

do not have a memo from the City this year. I'm not saying there isn't a memo, but they have not conveyed it to us if there is.

SENATOR GOLD: Senator, let me ask you another question, if I may.

SENATOR VOLKER: Sure.

SENATOR GOLD: The bill says, starting at the bottom of page 1, "*** such proper cause being presumed to exist unless the prior moral, mental or criminal record of such person indicates that good cause exists to believe that any benefit accruing to such person would be outweighed by potential dangers to the public safety."

SENATOR VOLKER: Yes.

SENATOR GOLD: That's basically the language.

SENATOR VOLKER: That's right.

SENATOR GOLD: Now, Senator, who is it that has the responsibility of making the judgment as to whether or not the prior moral, mental and criminal record, et cetera, et cetera?

SENATOR GOLD: The people that make the judgment are the same people that make the -- the same individuals or agencies that make that judgment right now. As you know, the system in New York City is different than the system upstate. In upstate New York, the - the -- there's a pistol permit bureau, for instance, in my county, in Erie County, and the investigation is done, fingerprints taken, so forth.

Now, that would obviously continue, the fingerprinting and the record keeping, and so forth, but they would have to check their records, and so forth, but then ultimately the judge then approves the -- the application for a pistol permit, and the same exact system would occur under this bill as it has occurred in the past.

SENATOR GOLD: Will the Senator yield to a question, please?

SENATOR VOLKER: Certainly.

SENATOR GOLD: What I'm getting at, Senator, is the criminal record is something

which I assume is not easily determinable, but if you do fingerprints, I assume you get a record back and if the person has been in trouble and they are in the print charts, you've got it.

SENATOR VOLKER: Right.

SENATOR GOLD: But Senator, under your bill how does the -- the moral issue and the mental issue come about? Are there requirements that the people will submit some kind of record? How do you prove affirmatively, for example, these things so that a judge or some other person can make the value judgment?

SENATOR VOLKER: Senator, you would do it basically, I think, under the same kind of thing that you should do today and that is that you would have to show some sort of evidence either from some agency or something that would show that this person should not be qualified.

One, for instance, would be some sort of a -- I suppose an implication, traffic records or something of that nature or as far as

intoxication is concerned. There is a series of things that could impact on -- on the issue of whether a person has a clean moral -- moral record, and so forth, but they would have to be -- the only difference is that you would now have a presumption and that presumption obviously would have to be overcome and the agency would then have to move affirmatively to show that and they would have to show records, not the way it is today where, in effect, what happens in many cases is that issuing agencies just sit on pistol permits in some cases and just don't bother to issue them because there might be some suspicion that there is something.

They'd have to show affirmatively that there is something that would keep the pistol permit away from that individual.

SENATOR GOLD: Oh? Yeah?

SENATOR VOLKER: Oh, yeah.

SENATOR GOLD: Mr. President, I believe Senator Dollinger has an amendment? I yield to Senator Dollinger.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I have an amendment that's at the desk.

ACTING PRESIDENT FARLEY: There is an amendment at the desk.

SENATOR DOLLINGER: I waive it is reading and ask that it be considered by the chamber.

ACTING PRESIDENT FARLEY: All right. Senator Dollinger on the amendment.

SENATOR DOLLINGER: Mr. President, this is an amendment that amends the exact same section of the Penal Law that is the current subject of debate.

As I understand Senator Volker's bill 3639, it amends subdivision 2 of Section 400 of the Penal Law as amended by Chapter 175 of the Laws of 1981. The proposed amendment, which I'm sure most of my colleagues are familiar with, is the assault weapon bill that has passed the Assembly and is the Governor's

program bill.

In that bill, there is a provision that amends Section 400, subdivision 2 of Section 400 of the Penal Law, the exact same section that is the subject of this amendment.

Now, Mr. President, based on that fact, can I consider the amendment germane and may we debate the text of the amendment?

ACTING PRESIDENT FARLEY: Well, it's not my call. I'm just presiding here. Unless somebody objects to its germaneness, I'd consider it germane.

SENATOR VOLKER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Volker.

SENATOR VOLKER: May I comment on germaneness?

SENATOR DOLLINGER: Point of order. Has the germaneness issue been raised?

ACTING PRESIDENT FARLEY: Nobody raised it that I know of.

SENATOR VOLKER: All I was going to say, Senator, is that we are not objecting to

germaneness. Thank you.

ACTING PRESIDENT FARLEY: Senator Dollinger, you're germane.

SENATOR DOLLINGER: Mr. President, I'm so floored that I'm speechless.

Mr. President, it seems to me that as we debate an issue that deals with clean, moral character in the absence of a criminal record or mental health record for someone who is seeking a weapon, we ought to define and we ought to apply that same test to someone who wants to use a semi-automatic assault weapon.

I've been in Rochester and in Buffalo today announcing a petition drive to ask the Senate to enact the assault weapon restrictions that are part of the Governor's program bill. I have on my lapel a sticker that indicates that it's been a hundred days, actually a hundred days technically is tomorrow, but this is the 99th day that the people of this state have waited for restrictions on assault weapons so that we would treat weapons that can

kill lots of people in a short amount of time the same way we treat pistols, require that they be put on a permit, require that the permit holder come to the courts and come to the police agencies of this state and have their character and their fitness to possess these weapons reviewed.

It seems to me that, if we're going to send a message, we have to stop the violence in this state, and one of the ways to do it is to get these weapons of violence out of the hands of our people whose hands they don't belong in, and the way to do that is to do the same thing that we've done with our pistols which is require that they be subjected to the permit process, so that all the protections and the safeguards that that side of the aisle sees in the permit process, that naturally adhere to the permit process, will be a part of our respect for these dangerous -- extremely dangerous weapons.

I met today with one of the victims of the Long Island Rail Road shooting

and he described in graphic detail, in minute detail, exactly what happened on the Long Island Rail Road and how the killer was able to wipe out several people in the back portion of that car before anybody knew what had happened. All he had to do was pull the trigger several times and several lives of residents of this state just were extinguished.

Then he told the story about how the killer wandered down the middle of the aisle firing at random. He told how he had fallen down. He tried to get up and he turned his shoulder, and the bullet had gone through the shoulder. He fell under the seat and he tucked his head under the seat and the killer walked up and stood right over the top of him and he heard him fire four shots, four shots right -- one right after another: Click! Click! Click! Click! He thought he was shooting into the seat trying to kill him because he was hiding under the seat. He wasn't doing that. He killed the two people sitting in the seat next to him by firing two shots each into their heads, all of

that accomplished with a weapon that would be covered by this bill.

It would now require that, in order to get one of those weapons, you have to have a permit in this state. I can't understand the very subtle distinction that apparently is so clearly seen by people on the other side of the aisle, and that is the distinction between the restrictions we're willing to put on pistols and the absence of restrictions that we're willing to tolerate on assault weapons.

I've said this before. I hope I don't have to say it again. I hope today will be the last time I say it, that it's time we woke up to the dangers of violence in this state and to the possibility and potential for violence that these weapons -- assault weapons represent. I know they're not a solution to the criminal problem. I know we're not going to stop crime and we may not stop violence, but we can reduce the propensity for violence.

I described it to someone the other day as very, very simple. You see a child

in a day care center and he has one of those big plastic baseball bats, and he walks around and he taps a couple kids on the head and you walk over to him and say, "Wait a minute; that's a baseball bat. It's used to play baseball with, but I'm going to take it away from you until you know what it's to be used for, until you've got that clean, moral character that demonstrates that you're old enough to know that it's used for baseball and not for hitting little kids over the head."

Why, if we send that message to the youngest residents of the state of New York -- why, if every parent in this room wouldn't take that baseball bat away from a child because he doesn't know what to do with it, why wouldn't we simply take assault weapons and restrict them the same way we restrict pistols?

That's all this bill asks to do. It seems to me it's very simple. Every parent would do it. Every adult would do it, but yet the New York State Legislature can't do it when it comes to assault weapons. I really hope that

this is the last time I have to debate this issue. I hope I can take this hundred-day lapel sticker off and, frankly, put it in my collection of political memorabilia with other pins and keepsakes.

I have a strange sense that this won't be the last day we'll talk about assault weapons, but it's a shame that the people of this state, some of them have already died at the hands of those using assault weapons and those who might die in the future, that this Legislature can't act consistent with what I believe is the will of the people of this state.

We have the courage to do many things. Let's prove to the people of this state that we have the courage to take this step and reduce the violence that is terrifying our citizens.

Mr. President, I'd urge all my colleagues to vote to amend this Section 400 of the New York State Penal Law and adopt the remainder of this amendment so that we can have

the restrictions on assault weapons in this state.

ACTING PRESIDENT FARLEY: All in favor of Senator -- Senator -

SENATOR VOLKER: Go ahead.

ACTING PRESIDENT FARLEY: All in favor of Senator Dollinger's amendment, please say aye.

(Response of "Aye.")

ACTING PRESIDENT FARLEY: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, thank you. On the amendment.

ACTING PRESIDENT FARLEY: On the amendment, I'm sorry.

SENATOR MONTGOMERY: I think my colleagues here certainly know my position, but I just don't want this opportunity to pass by without going on record and saying once again I absolutely am in support of Senator Dollinger's amendment, and I am thankful that he is continuing to keep this issue alive before us because so many of my constituents have already

died, and I hope that we do not ever forget how many lives we have lost already to the violence of assault weapons, and until the Legislature is able to bring itself to do something about this violence in our state, some of us must continue to speak on it.

And so I want to say emphatically that I hope that this amendment becomes the bill and I know that, though I'm not wearing my 100 day badge, we all should be because that's how many days, but it's been much longer than that, and I've seen so many young children and teens die, and it is -- there is nothing that is more wrenching than when I attend a funeral of a 17-year-old who has been shot by an assault weapon in my district and I have to face the mother of that teen. There is no sadder occasion than that, and every time I do that, I feel that I have blood on my own hands and I share that with each of you in this room.

We all have blood on our hands until we step forward to try and make -- make a change in that situation, and the young children

that I speak for who have died because of assault weapons being so accessible and so available and so prevalent in my -- in my district are neither Republican nor Democrat nor Conservative nor Liberal. They are too far removed from any of this process and, if we don't do anything, they have no hope for those ever and for those of them who are already dead, we've lost them. But it's for those children who say every day to me how fearful they are to leave home and walk to school and to leave school and walk back home and how many people call me and say, "I have to sleep in the bath tub or I put my children to bed in the bath tub because I am afraid that they'll get a bullet through their heads while they're sleeping" as so many children in the city of New York.

So, Senator Dollinger, this is not to be taken lightly; the amendment I think is very serious. Whatever we do that at least makes a statement that we want to see this situation change in our state is significant and important, and I think we ought to do that. So

I support your amendment wholeheartedly.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold on the amendment.

SENATOR GOLD: Mr. President, there are certain philosophies which you can use in many different ways and the issue of open government which has been pressed by Senator Leichter and by Senator Dollinger and many others, applies fiscally obviously, but it also applies in this situation, and I'll tell you why I say that. All too often, we are faced with situations where the public wants something to happen, parts of the public say that it shouldn't happen, and we get into this situation where the public will never know where we stand because it's considered politically very clever never to bring things up for a vote and, therefore, we don't know what would have happened and people can go around their districts and basically at election time take different positions because we've never brought the issue out to vote.

I've always hoped that we're better than that. If we are against something or we're for something, it's for reasons that we ought to be proud of. Everything that we do in this business is not easy and, believe me, I've had letters to my editors. You have probably had letters to your editors where somebody thinks that something we did was wrong and they write and they tell people that we're wrong and that's part of this business.

I really think it is unconscionable that we haven't been able to bring the issue of assault weapons to this floor. If the feeling of the majority of the members is that it's something that is wrong it's something that we should not pass into law, I would assume it's because those people who believe that way intellectually believe that that's in the best interests of their constituents or reflects their constituency and we ought to be able to stand by that, look our constituents in the eye and go on from there. But it's such an overwhelming issue, it is

really beyond logic when you realize that, if it wasn't for Senator Dollinger pestering us, if you want, about this issue, it's an issue that many people on the other side of the aisle don't even want to deal with and wish was under somebody's carpet.

Now, I will tell you that, on a scale of one to ten, Senator Dollinger, you are a ten when it comes to pestering this house with this issue, and I say God bless you for it, because if wasn't for you, Senator Dollinger, on a scale of one to ten, there are people who are minus 30 in whether or not they even want to hear the word again, and it really is absurd.

Now, I hear people, whenever you get up on this issue or, somebody will say, Well, but the killing on the Long Island Rail Road may not have been an assault weapon and that's just a semi-automatic hand gun, and this bill this and this bill that, and my answer to that is the same answer that I've seen from another public official in this state who says, in other words the logic is, if somebody will

only go out tomorrow with a real assault weapon and kill 30 people, then we can move the bill, which is ridiculous logic.

We understand the dangers involved in these weapons. We understand the lack of need of hunters to go out there with their assault weapons, and I don't think anybody who's seen the distinguished gentleman with Eddie Murphy -- with Eddie Murphy can remember seeing these Washington people out with the gun lobbyists and the ducks go flying by and they start with the assault weapons, shells are flying, bullets fly all over the place, and then finally one bird falls and Eddie Murphy says, "Gee, he must have had a heart attack." These guys with their assault weapons weren't hitting anything.

We're not doing this for the hunters. We're not avoiding the debate on assault weapons because of the hunters. It's such a serious issue, it's so serious, and I believe that, if it came to a vote, it would be a tough vote for a lot of people in both ways

going up or going down and I believe that with so many other political issues, none of us are going to get elected or defeated based upon one vote, but I really do believe we have the obligation to deal with it. How can we not deal with it? That's so obscene.

Now, I happen to think Senator Dollinger, after a hundred days of real struggling and trying on your part, I think we really do have a bill where it fits in and where -- where we could amend it and go from there.

Now, lest some people are concerned about the amendment process, let me tell you that I have just had consultations with the greatest powers in this town, and we are not leaving here in three days so if we amend the Volker bill we will not be out of session for the 1994 legislative session before the amendment has a chance to get back. We don't have to worry about that.

I also, Senator Volker, can guarantee you that, if you accept the amendment and if it really was serious, we might even be

able to get a message on it. That's how serious it is. But one other thought lest anybody thinks that this will somehow hold back the legislative process. I asked Senator Volker a question and Senator Volker has that terrible disadvantage that he always answers honestly, I know that, and I had only seen the 1993 memo in opposition from the city of New York myself. That's why I asked. But, Senator Volker, we have been able -- we have been now served with a memo dated April 19th, 1994, and this is from Robert Harding, who represents now the Republican mayor of the city of New York, so we've had opposition from Democratic mayors, Republican mayors.

This is not a party issue, Senator Volker. The opposition on your main bill is serious, many of us believe, and obviously, transcends party affiliations so, Senator, I don't think that if we amend your bill today we're going to impede its progress through the legislative halls because I don't know whether it's going any place in the other

house anyway, but I do think that it is a major opportunity given to us by Senator Dollinger to, once and for all, speak out on this issue and get it before the body, get it before the body, before there are other bodies that have gotten it from assault weapons.

So, Senator, I am certainly going to support you and, Senator Dollinger, I can only speak for myself, but you have my permis sion to be a pest on this issue every day. It's an important one.

ACTING PRESIDENT FARLEY: All - Senator Waldon.

SENATOR WALDON: Mr. President, I realize I'm not at my desk, but please hear me on this issue.

Some time ago, I read a book by Mario Puzo, THE GODFATHER, and if you all recall in that book there was a part that spoke to the distribution of drugs, and through the orches tration of the characters in this great book - pardon me, technology -- it was stated, but don't worry about it, it's just them. We'll

just sell it in the black community and, if they die, so what? We'll make some money. If they suffer, so what? We'll make some money.

And because it was a black thing, America did not address heroin and other forms of drugs with the will that we should have, but now what was once a black thing has spread everywhere and, if you go along Hempstead Avenue in my district, you'll see the cars coming from Long Island -- the Jaguars, Mercedes, the Porsches, you'll see Connecticut license plates coming into areas with faces of young folk, men and women, young men and women who don't look anything like the guys with the dreadlocks on the bicycles out there doing business. It is now everybody's thing, and I don't think there's anyone in this chamber who can say, "I don't know of anyone who has not had an encounter with drug addiction." It's even in some of our families.

The point I'm trying to make is that the assault weapon thing for many years had been also characterized. It's their thing.

They're down in the ghetto killin' each other over drug turf. So what? So what?

My brothers and sisters, the Long Island Rail Road was a place where people fell asleep on the train in the cocoon of comfort that this is our thing, middle class suburbia. This doesn't touch us. I can fall asleep with my pocketbook on the chair next to me and not worry about it being ripped off because the stain of criminality doesn't touch us on the Long Island Rail Road.

But now some deaths later, some pain and suffering later, I hope you can recognize that it is no longer the black thing. It is no longer the ghetto thing. It is no longer the rat-a-tat-tat of bullets taking lives in that community because it's taking lives in every community, so I would applaud you if you would join Senator Dollinger in this effort and recognize the genius of what he's done.

I would applaud you if you had the courage to say nay to the National Rifle Association in its foolhardy pursuit to arm

America. For what? This is a good amendment. If we are judicious, if we are caring about humanlife, if we are concerned about the constituents we serve across the broad breadth of this state and our children, we will vote for this amendment and take a great step forward in eliminating violence from all of our communities.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Thank you. On the amendment. Oh, I'm sorry. Senator Nanula.

SENATOR NANULA: Like to speak on the amendment.

ACTING PRESIDENT FARLEY: Senator Nanula, sorry.

SENATOR NANULA: I want to start by saying I also want to commend Senator Dollinger in his efforts that he's placed, as Senator Gold so kindly says, badgering us and pestering us over the past several months with this legislation, and I had the pleasure of meeting Tom McDermott today. I met with Tom

McDermott in Mayor Masiello's office. We had a press conference this afternoon, and, you know, when you meet Tom McDermott, you listen to him speak and you listen to his plea for this bill and a plea for tougher legislation in regards the assault weapons, you realize something. You realize this man isn't a drug dealer. This man isn't a 15-year-old victim in the inner city. He's an articulate, hard-working middle, maybe even upper class citizen, tax-paying citizen, somebody who's concerned, and ironically somebody who is a victim of an assault weapon, not in the inner city but on the Long Island Expressway.

But getting back to the mayor's office, when the mayor held up that assault weapon, he pointed it at the cameras, he then referred to the teen-agers who had been brutally murdered in our city, the city that I now represent, the east side of Buffalo, the inner city, not over the past years but over the past weeks, by gang violence, drug-related killings, and you look at that weapon. That isn't a

six-shooter. It's not a revolver. It's a weapon, but it's not a weapon designed to protect. It's a weapon designed to kill. It's a weapon you might see on a soldier, not a weapon you might see on a hunter. And it brings forth an even bigger issue, one that addresses this amendment specifically and that is that Senator Dollinger is not looking in this legislation to outlaw assault weapons. He's only simply looking to mandate the same type of regulation that exists when somebody is going to get a pistol in this state, the pistol permit for these types of weapons.

It is too easy in this state to receive an assault weapon. It is too easy to kill with an assault weapon. It is too easy to kill a massive amount of people in a quick period of time with an assault weapon, and I implore, along with Senator Gold and along with Senator Dollinger, as many of us on both sides of the aisle to pass this amendment.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Connor.

SENATOR CONNOR: Thank you, Mr. President.

I'd like to add my voice to those who say at long last we have a germane vote on this amendment. I guess it proves that you can run but you can't hide when the people really want legislation to address a real problem, a problem that affects the lives of citizens in this state that has taken so many lives, including so many innocent children caught in cross-fires. It's happened in my district. I would remind some of my colleagues, or my colleague from Brooklyn on the other side of the aisle that we lost a principal last year, Patrick Daley, who was out looking for a young child, young grade school child, and was simply walking across a sidewalk when warfare broke out between competing gangs with these semi-automatic weapons and he was killed in the cross-fire, and the whole city wept for this man who was -- who had dedicated his life to educating our children in a very poor part of

town in Red Hook; and we've seen tragedy after tragedy. It struck on the Long Island Rail Road, it's struck around the state.

Now, let me say, while I represent New York City, and I think of myself as someone from New York City, I was not born and bred in New York City. I couldn't wait when I was 13 years old to get my hunting license to go out with my grandfather and my uncles -- my father never went in for it much -- but to go hunting. Semi-automatic weapons? They have no place for sports persons on the hunt. You can't go stalking deer with a semi-automatic. That's not what they're for. They're for killing. They're soldiers' weapons. And the public has it right and the public has it, if you've looked at your polls, the public wants a law to ban semi-automatic weapons, and I know those of you who will say, well, you think because it's against the law those drug dealers who are spraying projects in New York and in other cities and spraying streets that just because it's against the law they're not going to have

-- they're not going to throw down their semi automatics. Of course, they're not.

It's illegal for them to be shooting up the neighborhoods, but the fact of the matter is until we address the issue of the legitimate sales we're not going -- and ban the presently legal sale of these weapons, we're not going to be in a position to stop manufacturers from pumping them out. We're not going to be able to prevent the box that falls off the truck on the way to a legitimate firearms distributor from ending up on the streets. The place to start is right here banning them, saying there is no legitimate use.

Now, I know there will be those on the other side of the aisle who will try and go back to their constituents and say, it was only an amendment, it was a procedural vote. It wasn't really a ban. Well, go explain to the civics classes in your district that amendments aren't real. You all print up brochures about how to make a law and you mention amendments as one of the ways to make a law, and it's as old

as representative government to have that kind of debate on the floor.

Go explain to your constituents, Oh, we have a strong leader system, we have an excessive majoritarian fetish in this New York State Senate, and so we don't accept from any body in the Minority amendments or suggestions about laws.

The fact of the matter is to date this is the only vote, the only vote you're going to take on an assault weapons ban. Go explain that to your constituents when you vote no.

Now, let's talk real. Oh, you don't like some of the language in Senator Dollinger's bill. You want an assault weapons ban, but you want to negotiate some of the edges of it. Well, you all know the rules of this house. You all know the state Constitution. If we adopt this amendment, we'll have three session days at least for the resulting bill to age and you can negotiate at the edges of this bill. You can change the language a little bit

if you want, but you also know, if you vote this amendment down -- if you vote this amendment down, you just might not get another chance before you have to face those voters this year. Go explain to 'em how you voted against an amendment that would have abandoned -- banned - that would have banned assault weapons. That's not a political task I'd want to undertake this year, because the public wants this, because it's the right thing to do and they're fed up with the slaughter and they want to start somewhere and the place to start is to say the sale of these weapons is never legal in this state. Then we can worry about what the manufacturers and distributors do after that.

ACTING PRESIDENT FARLEY: Did you -- did Senator Stavisky -- did you wish to speak?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT FARLEY: Did you want to rise or just from your seat or what?

SENATOR STAVISKY: Just on the amendment, yes.

I know it is very difficult to face the National Rifle Association when they appear to be so powerful, so influential in your district. I sponsored in 1968, the year in which Senator Robert Kennedy and Martin Luther King were executed -- and that's the only way to describe it -- I sponsored gun control legislation, and I was told that I had offended the National Rifle Association. Lo and behold, they formed, in the most conservative part of my district, which was then my district and remained my district, as a matter of fact on and off until 1992, they formed a sportsmen's club, a Queens Sportsmen's Club in my district for the purpose of defeating me the next time I ran. That was 1968.

This is 1994. I'm still here. The National Rifle Association couldn't kill me, but I assure you the assault weapons could. The NRA, so powerful you think, cannot defeat a legislator on a single issue. As a matter of fact, a year and a half later, the president of the Queens Sportsmen's League, the chapter of

the NRA, called me and wanted to meet with me and I said, "Armed or unarmed?" And he said, "Unarmed." I said, "Well, then it can be your living room or mine." They told me that they had been formed for the purpose of opposing me because, on a monthly basis, I debated the national president of the NRA and the national vice-president of the NRA. It was going on and on, and they said, "You know, we were formed in order to defeat you and you know what has happened? We ended up voting for you anyway because we respected what you do on a variety of other issues, including conservation issues," and that's an important lesson for everybody to keep in mind, whether where the NRA or any other special interest organization on a single issue or against them on a single issue.

They will never be able to defeat you if you're doing your job. If you're serving your constituents, what do you have to fear? If you're serving your constituents, whom do you have to fear? They're not going to defeat you, but one of these assault weapons is more than

likely to kill one or more of your constituents. And given that choice, ladies and gentlemen, it really isn't a choice. You can be courageous and you can be right and you can do what is best for your constituents by supporting the amendment that has been introduced here and other amendments.

Don't be so afraid of the NRA. They will not be able to unseat you if you are doing your job and if you're not doing your job you're a clay pidgeon for them anyway. So I hope you will vote for the amendment and get a comprehensive assault weapon bill through in this chamber in this session of the Legislature.

ACTING PRESIDENT FARLEY: Senator Dollinger to close.

SENATOR DOLLINGER: Mr. President, I want to thank my colleagues for joining the voices of what I believe are thousands if not millions of New Yorkers, who are crying for restrictions on assault weapons. When I first got involved in politics in the

early 1970s, I grew up in the -- in the arms limitation treaty era. I remember the United States Senate debating SALT and the arms limitation treaty, the START treaty, all the treaties in which the United States of America had to decide how the most lethal of weapons, nuclear weapons, would be controlled for the rest of our future, and I remember impassioned debates on both sides of that issue by men of good will, by women of good will; but I remember that there was a common theme, and it was very simple. These weapons have the power to destroy us and we have to somehow control and manage their use.

It seems to me in this era of terrorism, in this era of individual violence that the weapons we're talking about are weapons of potential mass violence as exhibited on the Long Island Rail Road, as exhibited on the Brooklyn Bridge. Some ways that's a shame that these familiar landmarks are becoming the sign posts of a losing struggle in the fight against assault weapons, but it seems to me that this

Senate has an opportunity to do what the United States Senate did on a number of occasions, not only debate a bill of critical importance, but in this instance to put some limitations on a domestic arms race.

As one speaker described it in my travels today, "We, the unarmed, turn to you, those of whom we've armed with legislative power to do the right thing."

We have a weapon in this chamber that's more powerful than assault weapons. It's the power of the vote. It's the power of law. In my judgment, we have an obligation to use that weapon to demobilize, demilitarize our population, reduce the propensity of violence and maybe make everybody in this state feel a little bit safer in their homes, while driving on the Brooklyn Bridge, or while riding on the Long Island Rail Road.

It's that simple. I would urge all my colleagues, let's end the nightmare. Let's wake up about the issue of guns. Let's restrict access to assault weapons and make New

York a safer place.

ACTING PRESIDENT FARLEY: All in favor of the amendment, say aye.

SENATOR GOLD: Party vote in the affirmative on the amendment.

SENATOR STACHOWSKI: Exception.

ACTING PRESIDENT FARLEY: Exceptions.

SENATOR PRESENT: Party vote in the affirmative.

ACTING PRESIDENT FARLEY: Party vote with exceptions. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 22, nays 36, party vote with exception.

ACTING PRESIDENT FARLEY: The amendment is not accepted.

Read the last section of the bill.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Oh, Senator Leichter.

SENATOR LEICHTER: Mr. President,

in the debate on Senator Dollinger's amendment, I think many of the points and issues relating to the ready availability, proliferation of lethal weapons in our society have been discussed.

I think anybody who listened to Senator Montgomery could not have helped and been moved by her very poignant plea, the plea from her community and from other communities in New York, save us from the violence, save us from the killings; but I think it's important to look specifically at what this bill does. At a time when all efforts nationally are being made towards trying to get hand guns off the street, yes, illegal hand guns, but recognizing the relationship between licensing laws and the availability of guns and access to guns and the killing that occurs in our streets through hand guns, at a time that this effort is going on, it is -- it is incomprehensible to me that we would be faced with a bill that's going to make it easier for people to have access to guns that kill.

What this bill does is say, you will presume that somebody has good cause to be issued a license to have a hand gun, and it's for that reason that the mayor of the city of New York -- nobody's ever said that he was soft on crime or permissive or that he didn't share Republican and Conservative values; obviously he is a Republican -- and he has come out and said, "For God's sakes, don't pass this bill." You will make more weapons available in the city of New York, and, my colleagues, it just grieves me to think that this chamber is so out of touch with the needs of our community, with the needs of our society, that you would pass such a bill and I assume you put it out on the floor, you know you have the votes, but I'll tell you, it's a stain, it's a stain on this Majority for inflicting this harm on the city of New York and other communities in the state of New York.

Senator Dollinger, I just want to say that I commend you for not giving up on the battle to try to have this chamber face up to the issue of assault weapons. I think you have

not been dissuaded by some of the grumblings one hears that, you know, why does he keep on raising this issue, and I think that's really what needs to be done is to challenge the in difference, the callousness, the cynicism which prevents us from voting on a bill banning assault weapons and which also, I think, is at the heart of an effort to make it easier for people to possess lethal hand guns.

I mean the statistics are so overwhelming and so clear about the harm that is being done, and I know that there are some people here that still say, Well, guns don't kill, people kill. But people can't kill if they don't have guns, and our aim and our effort should be to make it much harder for people to have access to guns, to show, to document very clearly the reason and the purpose for having guns and not to presume that people have good cause to possess guns and, even if that presumption were correct and we know how many people fall through the cracks, the fact of the matter is that many of the guns that are legally

on the streets of our city are guns that were stolen from people that may have initially had them.

SENATOR PRESENT: May I interrupt you for one minute?

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, may I have the last section of this bill read and have Senator Larkin cast his vote?

ACTING PRESIDENT FARLEY: Read the last section for Senator Larkin.

THE SECRETARY: Section 2. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.

ACTING PRESIDENT FARLEY: Senator Larkin, how do you vote?

SENATOR LARKIN: I vote aye.

SENATOR PRESENT: Withdraw the roll call and continue the debate.

ACTING PRESIDENT FARLEY: Sure. Senator Leichter.

SENATOR LEICHTER: And we have thousands of these guns on the streets that may have been sold initially legally. In fact, there was a study made initially, in fact it was made by the Minority in the Assembly, the Republicans there about guns that had been sold by the State Police, obsolete guns sold by the State Police which ended up in the hands of criminals and were used to commit capital crimes.

We also know the statistics of accidents that occur in the home because presently we sell guns to people who don't know how to use guns; you don't have a requirement that people show that they have the proficiency and the skill of using guns, and a week doesn't pass by that some young kid doesn't find a gun which may be perfectly legally in the home and that he starts playing around with and ends up shooting himself or member of the family or friend which also comes because we don't have requirement that people be trained before guns are issued to them.

Senator Volker, I know your concern and good faith in trying to create a safer community. Maybe some people are scared of the NRA. I know you're not. I guess I'm almost more grieved about the fact that you really believe this than that you may be doing it because you feel there's a gun at your head, a political gun. I know you believe it, and I'm sorry for it and I could just plead, however, with those of my colleagues, particularly from the city of New York, those Republicans from the city of New York to read the memorandum in opposition by the city of New York, to see what the mayor, to see what our very vigorous police commissioners say, Please don't do this.

We have a particular problem in our city and, Senator Maltese, you know this and, Senator Padavan, you know this, Senator Mega knows it and Senator DiCarlo knows it. It is particularly having in mind the problems in our City that we need strict controls over the issuance of guns.

I really plead with you not to

vote for this bill.

SENATOR JOHNSON: Mr. President.

ACTING PRESIDENT FARLEY: I think I have a list here and it's Senator Volker unless you want to yield, Senator Volker and then Senator Stavisky and Senator Johnson, but Senator Volker has the floor.

SENATOR VOLKER: Mr. President, the -- let me try to be brief here.

First of all, let me correct something because I think it needs to be corrected, and I -- Senator Leichter, the amendment that was just proposed was not a ban. It was a licensing bill. The ironic twist about that so-called amendment is, I think it's pretty -- it's defective on its face, and I didn't want to get into an argument because I realize Senator Dollinger has been waiting for so long to get his opportunity to debate this amendment which, in the meantime, at -- the federal government, by the way, has banned several of the weapons that are in that -- in your bill which your bill or your amendment would

basically license two guns, the "street sweeper" and another one which have already been banned.

The other interesting thing about that so-called amendment -- that bill that the Governor sent us is, there's a real question as to whether it would invalidate some statutes in the city of New York. You take a look because the local laws in the city of New York are more stringent than that amendment that many people just voted for and, as you question whether the local laws of the city of New York and, remember, the city of New York definitely has the toughest gun laws in this part of the country; D.C. claims it's the toughest in the nation. You say you have a particular problem. Well, you have the toughest gun law certainly in this state and one of the toughest in the country, and it doesn't seem to have done very much.

Let me also point out the gun used by Mr. Ferguson on the Long Island Rail Road was already illegal. You don't need to make it illegal. It was illegal. It was an

unlicensed hand gun in this state, clearly illegal. Everyone acknowledges that. The press, for the most part, had no concept of that. Many people do not understand that. I think the argument, by the way, is very clear that you could make it illegal however many times you wanted, if that fellow was going to use the gun he was going to use the gun.

The other thing I just wanted to say because I think it needs to be said, one of the things that was said by a number of people and let me point out something, and I do this with absolutely no animosity, because I think you know me and I feel very strongly and I have -- and I appreciated, by the way, your comments, Franz, because you and I probably have debated almost as long as anybody in this chamber going up from the Assembly right over to the Senate -- if you wanted to send a message, you had the opportunity to send a message here. It was interesting that every person that spoke in favor of the gun amendment was opposed to the death penalty.

The only reason I say that is that even the most ardent anti-gun person, even the person most ardently who is in favor of getting rid of, quote-unquote, semi-automatic weapons, which -- by the way, I just listened the other night again to a police officer talking about a weapon that would fire a semi-automatic weapon that would fire 36 rounds in ten seconds which, of course, is impossible. It was clearly an automatic weapon which is already illegal. In fact, Senator Daly has a bill which would deal with that issue. In fact, he's going to outlaw automatic weapons again because most of the semi-automatic people weapons that people talk about are already outlawed. They're automatic weapons; they're not semi-automatic.

There's so much nonsense connected with this whole issue, it's unbelievable.

Now, everyone has had their say and I think I understand it, but in the long run, the real issue here is crime. Let me tell

you something. Three people were just murdered in Buffalo over the week end. Your legislation provides nothing for that because all three of those people were viciously stabbed to death repeatedly. Unfortunately, as I understand it, it wasn't a random killing, it was somebody that was related. It related to some money, and so forth, and I don't want to get into it because I don't have the whole facts of the case, but I do know that the likelihood is that it was someone that knew these people.

The point I'm trying to make is whether somebody is shot to death or stabbed to death, the result is the same. The ugly facts are that whatever we talk about, no bill that bans weapons is going to change that. I still firmly believe, and I still stand here to tell you that we had our opportunity and we still have it, by the way, because you're going to see it again. You haven't seen the last of the death penalty. The Governor would like to say that you have but, as I said before, the reason you haven't heard as much from the Governor on

assault weapons is, the more he pushed assault weapons the more the death penalty became an issue, and he realized that and he stopped it. But I'll be back and so will he because I'm not going to give up on that issue.

But, Senators, let me tell you as far as this bill is concerned, it really doesn't change anything that much. It's not going to mean that there's going to be a whole ton of new licensed people out there in the street. In fact, the city of New York will still try to find ways to stop people from getting their weapons, I'm sure, as they have done for years and, of course, if those people are not people that should get weapons they won't get weapons. It will be nothing different.

As you know, it has always rankled people. I just talked to an attorney the other day who said he won't go to the city of New York any more because he can't carry his hand gun, a sad commentary, because it's the only place in the state where he can't and, therefore, he won't go to New York any more

because he's too afraid.

What this bill does is merely say what supposedly licensing statutes do not, and that is if you are a person who should be able to get a license for a hand gun, you get one, and that's all it really says.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold, why do you rise?

SENATOR GOLD: Yeah, with the permission of the Majority Leader, if we could just call Senator Smith's name so that she could be allowed to vote.

SENATOR PRESENT: And Senator Seward.

ACTING PRESIDENT FARLEY: Read the last section for Senator Smith and Senator Seward.

(The Secretary called the roll.) Senator Smith.

SENATOR SMITH: No.

ACTING PRESIDENT FARLEY: Senator Seward, how do you vote?

SENATOR SEWARD: Yes.

SENATOR GOLD: Oh!

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Close the roll, Senator?

SENATOR PRESENT: Yes, withdraw the roll call.

ACTING PRESIDENT FARLEY: Withdraw the roll call.

Senator Volker, have you finished, I guess? Senator Stavisky is next.

SENATOR STAVISKY: Senator Volker, would you yield for a question?

SENATOR VOLKER: Certainly.

SENATOR STAVISKY: Doesn't this piece of legislation restrict the discretionary power that the police commissioner of the city of New York presently has with regard to the issuance of licenses and permits?

SENATOR VOLKER: It technically does not, because what the process is in the city of New York supposedly is what this process is except for the fact that we, in a sense,

reverse it and we say that there is a presumption unless you can show that that person doesn't have a clean moral, and so forth, record.

Under the way the process goes in the City, and it is a much more cumbersome process, the so-called police commissioner or whoever, the pistol permit bureau, takes on a responsibility and puts on all kinds of restrictions which, by the way, is before the Court of Appeals right now or will be tomorrow, I think it is, on the issue of whether state wide, including the city of New York, if I'm not mistaken, whether the restrictions that are put on by the various agencies are legal in the long run.

SENATOR STAVISKY: Senator Volker, you believe in home rule for a local government?

SENATOR VOLKER: Do I believe in home rule for a local government? Generally speaking, I do believe in home rule.

SENATOR STAVISKY: Yes. What if

statutes were drafted, Senator Volker -- and I'm not going to ask you do answer this question because you've satisfied me on your responses. What if statutes were drafted which took away the right of local government to decide a whole host of issues such as zoning, building, placement of facilities with the approval of local government, and what if we drafted legislation here saying that the people who applied shall be presumed to have the right to evade local decision-making because they are of good moral character?

I believe, Senator Volker, that you and your colleagues would be on this floor demanding that we withdraw any assault upon your local home rule. What's the difference between legislation that would supersede your right of local regulation in one field versus the right of local regulation in the field of weapons ownership and possession?

You would not sit still for something which would be drafted in a way that, based upon the presumption, and that's your

exact wording, the presumption that they are of good moral character, therefore, they should be permitted to ride roughshod over the decisions of duly appointed local governmental officials.

The police commissioner of the city of New York has barely had his seat warm in that office. You have not spoken with him, and I have not spoken with him. We do have an invitation from the mayor of the city of New York to visit with the mayor at Gracie Mansion in, I believe, two weeks. I'd appreciate it if those who are prepared to vote for this bill before us, would defer their vote until the night -- and I think it's a Friday night.

SENATOR GOLD: May 6th.

SENATOR STAVISKY: -- May 6th, in which they can go to Gracie Mansion and talk to the mayor of the city of New York, and I'm sure they'll have an opportunity to see the police commissioner because the mayor and the police commissioner have been traveling in tandem in a variety of ways in recent months, and I would hope that you would defer judgment, talk to the

mayor of your party -- he's a Republican, I'm a Democrat, but I'm willing to listen to the mayor of your party -- and I think you should show the same courtesy towards him and to his police commissioner.

Defer your vote until you talk to the mayor. Defer your vote until you talk to the new police commissioner who's brand new on the job and see whether his views are different from the views of their -- of his predecessors. Maybe they are, in which case you've done nothing except postpone the vote for two weeks. It's not an unfair challenge that I ask you to accept. It's a reasonable approach that reasonable people should be willing to pursue.

I would not supersede your right of local home rule and commissioner -- and, Senator Volker, with all due respect, do not supersede the right of the police commissioner of the city of New York to make a decision. If they do it differently in other parts of the state, they may have different situations. There may be different problems, but do not cite

the fact that people who know each other kill each other. Is it any less of a murder that the majority of the murders that occur in this state and throughout the country are committed by people who know each other? Is the victim any less dead because they know each other? Were the F.B.I. agents whom I consulted when drafting my gun control legislation wrong when they said to me, if someone comes after us with a knife, with an ax, with any other weapon, we've got a good chance of remaining alive but come after us with a modern firearm and we have virtually no chance of succeeding and remaining alive.

You are going contrary to public opinion in this state and throughout the nation. Recently there was someone who, as a joke joke, began manufacturing clocks that went backwards, and he called it a President Clinton watch and he said, Look at the way President Clinton is going in the wrong direction. My friends, you keep voting for bills such as the ones you are prepared to vote for today and the amendments you voted against today, and we might

have to change that clock and have it going in the other direction because the Senate of the state of New York will be interpreted as moving away from the point of view of a majority of the American people.

Hold your vote. Hold your fire. Delay until you've discussed this with the mayor whom you respect and a police commissioner whom he respects. I hope you'll vote in the negative.

ACTING PRESIDENT FARLEY: Senator Johnson. Senator Johnson.

SENATOR JOHNSON: Mr. President, I think if there's anything that could be said about this debate, it is not that this side may be captive of the NRA but that the other side may be captive of a malicious tradition that's existed for 60 years and has resulted in the streets of New York City being populated by good citizens who can be killed at any time on any street by anyone carrying a gun, a knife, their fists or whatever, and that's the sad history of gun control in New York City, that people are

not allowed to defend themselves. It's practic ally a guarantee that a criminal not meet anyone who can protect themselves.

The cousin of a friend of mine was going out for a pizza last year in Greenwich Village where he lived. He went out on the street; he was on his way back. Fellow said, "Give me your wallet." He gave him the wallet, then he went bang, bang and killed him capriciously.

So I think that demonstrates it's not the surfeit of guns that are the problem but the hands in which those guns reside which is the problem. Certainly, if my friend's cousin had had a weapon, had been able to carry it, he would have been able to protect himself and possibly he wouldn't be dead. Maybe the statistic would be the criminal. Hopefully, that would be the case.

I think to say that we're afraid of the NRA is really just throwing up a strawman which you can beat on and beat this side on. The simple fact is that some people on this side

are maybe concerned about the welfare of the good citizens of the city and feel that the lives of those citizens are worth at least as much as the proceeds of a day's receipt from a candy store because if you run a candy store and you got even $1500 to take to the bank, you can get a gun to protect that money, but your life isn't worth $1500 or the proceeds of the candy store if you can not have a weapon, even with a legitimate need to have one if you feel your life is threatened on the streets of New York City, or at your job, or on the way home or whatever, you can't protect yourself with a gun because we don't want too many guns around. Needless to say, the million guns in the hands of the criminals are no concern of ours. We're not going to do anything about that, and that's obviously the position taken on the other side of the street here.

I think Senator Connor made a great error when he said you can't stalk a deer with a semi-automatic. I think in my experience of 40 years of hunting most of the weapons or a

good majority are semi-automatic rifles or shot guns, so obviously he's erroneous there. He doesn't understand the difference between a machine gun, which has been illegal for 60 years, and a semi-automatic rifle, so I think people who don't know what they're talking about don't add much light to the debate.

If -- there's no doubt about it that if several people had -- who worked in the City and were on the train when Colin Ferguson was there, he wouldn't have got by with shooting all those people. He might have ended up getting shot himself by a good citizen who had his right to carry a weapon and a license to do so and was available to help save those other lives.

You know, it's kind of interesting and maybe we ought to really look around and see what's being done in other states. You may have heard about all the tourists getting killed in Florida and you might have been interested in hearing the explanation of why tourists are targeted so often, because

some years back Florida made it more -- made it easier for citizens to get hand guns just for self protection, saw that they were trained to use them. A lot more people have licenses now than had five or six years ago. Crime rate has dropped in Florida in all cases except for tourists and the interview with this criminal who killed a tourist recently went like this. "Why do you target the tourist?" "Well, of course, you know the people live in Florida they could have a gun, they could shoot back but we know the tourist don't have a gun and we know they have money so obviously we pick the easiest people to rob and kill."

So the simple fact is if other states, and eleven other states have followed the example of Florida and enabled their good citizens with good records which this bill essentially says, to possess hand guns if they choose to do so for their own protection, and the crime rates have gone down in those states. So maybe it's time for the people of the city of New York to stop alligator tears about the

criminals might get hurt on the street and take some concern about letting your own citizens protect themselves.

I mean this is no slander or negative statement about the police to say that everybody doesn't have one to walk the streets with them. Until everybody has a cop to walk the streets with them, they're going to be subject to being killed or robbed, but to take away the people's right to defend themselves in the midst of a crime wave is a criminal act against the people of your own city.

To say that you're representing those people is like -- is an unhappy circum stance, I think, for those people because if you truly wanted to represent them, you would see that every good citizen had the right and was encouraged to own, know how to use, and possess and carry a hand gun. That's the only way the crime wave is going to stop in New York City unless you want to go along with Bill Clinton and call out the National Guard and sack every building in the city in violation of civil

rights and see if that helps, but if you don't want to go along with that, you certainly have to let people protect themselves.

That's all this bill says, if you're a good person, you can carry a gun to protect yourself. Seems pretty straightforward to me. Doesn't take the NRA to tell me it makes common sense, so I think everybody here ought to support this bill and they ought to forget about the baloney about assault weapons that everybody knows is a farce and less than one percent of the crimes in New York City is committed by assault weapons.

It's a cover-up of the failure on the part of the New York City Democrat delegation, I think, to put forth any real solutions for dealing with the criminals, so they want to blame it on the gun. It's an artificial argument, doesn't hold any water, shouldn't be respected.

ACTING PRESIDENT FARLEY: Senator, I do have a list here unless you want somebody to yield.

SENATOR MONTGOMERY: I just wanted to ask Senator Johnson to yield.

ACTING PRESIDENT FARLEY: Senator Johnson, you have the floor. Would you yield to a question?

SENATOR JOHNSON: Yes.

SENATOR MONTGOMERY: Senator Johnson, I was listening to your debate very carefully, and I just want to ask, do you carry a gun, Senator, when you -

SENATOR JOHNSON: (Opening jacket). But I can run pretty fast.

SENATOR MONTGOMERY: Thank you.

SENATOR JOHNSON: But the simple fact is that people who work in the city and who feel threatened and many do, should be permitted to carry a gun. If I felt the same way in my district, I would. But I don't at this point, but in the future, if nothing substantial is done about crime, many of us will have to and it's kind of interesting because I've sat on that side before, and I know some of the members over there carry guns and have carried guns,

people from the City, they've told me that, but don't mention it, so I'm not going to mention it.

SENATOR MONTGOMERY: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

Almost nightly on the news on television, we see carnage, whether it be Bosnia, Herzegovina, Rwanda or Borundi over the week end, South Africa with the car bomb, and you see bodies strewn in the streets. The manner in which TV is now able to report the news, the graphic displays lets you know of the pain and suffering of those who have been the victims of this violence.

Regrettably, the same thing is occurring here in America. Whether it be California where school children are gunned down, whether it be the Long Island Rail Road or the Brooklyn Bridge, whether it be even the

projects where I conducted a hearing on Saturday and where tenants brought pictures showing the bullet holes in their doors, the bullet holes in their walls, telling me of the children under age 10 who have been senselessly murdered by gun fights; kids, meaning teenagers in a turf battle with Uzis, AK-47s, Tek-9s and other forms of violence.

So it doesn't make sense to me that, instead of curtailing firearms, we may be doing something here to proliferate firearms, this legislation, and this proliferation of firearms does not, in my opinion, arithmetically increase the potential for violence, but it does so geometrically. So if someone has a weapon which can throw off 16 rounds in a few seconds, it is immeasurable the pain and suffering which occurs at the point and place where those rounds strike.

I was sitting here talking to Senator Paterson, and I said to him and he said to me, Why do you think there's such a desire on this side of the chamber to support legislation

of this nature? And he came up with the possibility that profit may have something to do with that, and I air that only to say I hope that's not the case. I cannot believe that those of you with whom I sometimes have lunch and dinner, we sometimes in the lounge sit around and chitchat over coffee about a whole host of things, our children, our grand children, the Knicks, the Nets, the Buffalo Bills, I hope that that has nothing to do with your desire to pass legislation which will allow guns to be proliferating in our society.

And so I stand up, Mr. President, just to say that I hope that we will not pass this legislation. I hope that we will begin to take the right road, the one less traveled in this chamber but most traveled outside of this chamber in terms of reduction of guns as opposed to proliferation of guns, and I sincerely hope that not one of my colleagues who is Republican has ever had a thought or motivation from the National Rifle Association or anyone else which allowed you to make your decision based upon the

profit motive for someone who is a manufacturer of these demons of death.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator DiCarlo.

SENATOR DiCARLO: Mr. President, I wasn't going to speak on this issue today but seeing that a number of my colleagues have pointed over here about the New York City Republicans, I feel that I must rise just briefly.

I find it a little disingenuous when we're asked to wait for the mayor and wait two weeks until we go to Gracie Mansion to hear his position on this bill, when I wonder if anyone on the other side of the aisle waited to meet and to speak to the mayor about his position on the death penalty before they voted against it or they spoke to the mayor and they waited before they spoke against finger-imaging and fingerprinting. So I find that also interesting.

The mayor and I agree on a lot of

issues, but the mayor and the police commissioner on this issue are wrong and the sponsor of the bill is correct. New York City has been said already has the toughest gun laws in the country and it's one of the least safe places in the United States of America. The argument just doesn't hold any water, and it never has.

I came to Albany believing that the number one priority of government was the protection of the rights of the people, and New York State has not protected the rights of its citizens for many years now and living in New York City, I can attest to that and, when honest citizens do not get the protection that they deserve, honest citizens have the right to protect themselves and the people in my district believe that, and I think the people in most districts in New York City also believe that. Some of us, when we come up to Albany, forget where we came from.

I also find it interesting that the only people that I know when I travel

through the city of New York -- and I spend a lot of time down on Court Street -- I find it interesting that in New York City the only people that I know that carry legal guns are police, judges and lawyers and the honest citizens are never allowed to protect themselves.

I ask that my colleagues support this bill, because it's a good bill and I believe the majority of the people in the city of New York also support this bill.

ACTING PRESIDENT FARLEY: Senator -- wait a second. I don't know who was first there. Senator Jones, you haven't spoken yet.

SENATOR JONES: Yes. I -- you have not heard me stand in this chamber before and express any opinion either for or against guns. I'm not a hunter; I don't pretend to know what different kinds of guns there are, and I don't pretend to know what they're used for. But I listened to Senator Johnson, and I just found that I could not sit in my seat any longer.

I truly agree that we aren't doing right by our citizens. I understand the crime issue. I understand that our citizens are scared. I understand that we have a drug problem but, ladies and gentlemen, if the only thing we can offer the people of this state is for each of them to have a gun in their pocket, then we need to go home and find some other way to earn a living.

I cannot believe that that's what we want for our society, that luckily I can whip out my gun when somebody starts shooting on a train. I'm just appalled at that kind of thinking. There must be some other things that we can do in this chamber that is going to protect the citizens in this state besides worrying that each of us can have a gun in our pocket.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, it must be coming from western New York. I couldn't agree with Senator Jones even

more. I guess, Senator Johnson, the thing that I find most unusual is using the example that I cited a couple minutes ago if your grand children were fighting in the back room and one of them had one of those plastic baseball bats and hit one of your other grandchildren on the head, I guess your solution would be to just give them all a bat. That way they'll walk around and stalk each other and not hit each other because they know that if they hit one they might get hit by somebody else.

I guess from the western New York school of parenting that Senator Jones and I went to suggest that that would be idiocy. We don't solve the problem of violence by giving more people an opportunity to do more violence.

I turn your attention again to the international model which I've talked about before of arms limitation. It seems to me that the arms race, as you may recall, when I was a child, when we hid in our bomb shelters because we were afraid of nuclear weapons raining in from the sky, we were all concerned about the

arms race. We trusted ourselves. We trusted the United States. We knew we'd never misuse atomic weapons. We'd dropped the only two in the history of mankind, but we would never do that again because we knew that was folly. We would only use them to protect ourselves.

But what we came to our senses and realized is that those weapons in the hands of anybody, of anybody, created a chance that we would destroy this globe. So we reached the conclusion that the thing to do in the arms race was to decrease the availability of those weapons, to restrict countries that had very little respect for human integrity from getting those weapons. We're now fighting a country, an obscure little nation, on the Korean peninsula because we're terrified that they might have a weapon that someone uses or might use. But the solution was to restrict the weapons, not to make them available to everybody. We didn't want everybody in the world to have an atomic weapon so that they could sit there and stalk someone else and use that weapon when they

wanted to. That wasn't the answer.

The answer was to restrict the use of the weapons, and it seems to me in this domestic arms struggle that we undergo today, we've got to restrict access to weapons as well.

This bill goes in the opposite direction. I agree with my colleagues from the city of New York. What I find most intriguing about the statistics is the number of permits and the number of weapons in this country in private ownership has jumped exponentially since the 1960s and with it has the number of gun deaths. You have more guns, you'll have more gun deaths. You have fewer guns, you have fewer gun deaths.

Look any other place in the world. Look at Great Britain. Look at Canada. Look at those countries in which weapons are difficult to come by, and you'll see that they have substantially less weapons for death.

It seems to me that this issue is resolved on a simple question. I agree with

Senator Volker about his position with respect to this issue and the death penalty, about our opportunity to deter crime and how we're going to do it. We have all kinds of opportunities here. We can do it through a death penalty. I don't choose to do it that way for all kinds of reasons. We can also do it by restricting access to weapons, and I would just ask a simple question to everyone on the other side: Why, when you support a death penalty and oppose the killing of human life, why make the weapons that allow that killing to occur freely available? Shouldn't we restrict those weapons to cut down on the number of deaths rather than just punish those who kill by killing them? It seems to me it's a very simple question. Why make it easier for people to kill when what you want to do is prevent killing?

ACTING PRESIDENT FARLEY: Let me see. I think Senator Gold to close for the Minority. Oh, Senator Johnson, did you want to speak again?

SENATOR GOLD: Senator Johnson.

SENATOR JOHNSON: Yes.

ACTING PRESIDENT FARLEY: I'm sorry. Then Senator Padavan.

SENATOR JOHNSON: You know, I enjoyed Senator Dollinger's hallucinatory exposition about the nuclear arms race; it's very enlightening. You know, we have a leftist Congressman in our district too, and he was running around saying what a wonderful thing mutually assured destruction was because it would guarantee that our power-mad generals wouldn't start a war. You know, depends what side you're on, I guess.

I was never worried about our generals. I was worried about the weapons in the hands of the enemy. And the same place I'd say, Ms. Jones, I'm not worried about the guns in the hands of honest criminals, I'm worried about the guns in the hands of the criminals. Now, if you want to do something, get the guns out of the hands of the criminals.

Now, I told you Willie Clinton wants to go in all the housing projects and

search them without constitutional permission by asking people to waive your rights under the bill of rights. If that's the way you want to do it, you can do it that way.

As far as I'm concerned, we have no right to deprive our citizens of the right to protect themselves in the midst of a crime wave. New York City's solution has been a failure. The same solution has been put in place in Washington, D.C., a total failure. Every day they're pickin' people up off the streets don't know what to do with them, they're killin' so many in Washington, D.C. Of course, the Congress runs that place; maybe they could come up and help run this state. Maybe our statistics would go up a little higher than they are.

All I can say is that people have a right to protect themselves. Government has no right to take that right away. It's immoral for government to take away the right to protect yourself, and if you think as apparently the laws are mostly in New York City and other

areas, that the day's receipts from a candy store are worth more than your life, you just start a candy store and you'll be able to protect yourself, but if you're just you and I, you'll be unable to to that. I don't think that's the right position.

I think the phony argument about assault weapons is just that, a phony argument. Very few people are killed by those, everybody knows that. More people are stomped to death in the street by far or stabbed with guns -- with knives, or so forth. I don't know what else to say except I think everybody has got to rethink this situation and, if you want to solve the problem, you don't want people to protect themselves, you got to come up with another way. So far there's no better way for society set forth than the way to protect yourself.

ACTING PRESIDENT FARLEY: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

Much of the dialogue that we have

heard this afternoon centers about the over riding issue of crime, particularly violent crime and the availability of guns, and much has been said in that regard about the city of New York. I'm as concerned as any other person in this chamber is or should be on that issue. I'd like to share with you a perspective, however, that you may not be aware of.

A matter of weeks ago, in the city of New York, a police officer by the name of Sean McDonald was shot to death on his beat serving the public. When I read a newspaper account of that tragedy, it indicated that the person who had pulled the trigger, killed him, a Mr. Rodriguez, was in this country illegally. And so I contacted the mayor and the police commissioner, in which I stated that all New Yorkers and all citizens are distraught when a police officer is killed in the line of duty trying to protect the public, so much so -- more so than when the criminal justice system that is supposed to protect the public helps contribute to that officer's death. And I asked the

specific information about Mr. Rodriguez, and let me share with you what I got back.

Mr. Rodriguez is from the Dominican Republic. He paid an official of the army of that country $2,000 to smuggle him into Puerto Rico where then, for additional monies, he obtained forged documents indicating that he was Puerto Rican, and then he came to this country and he was arrested a very short time thereafter for selling cocaine.

When he was arrested and brought before a judge, the police department, as indicated by the commissioner in his letter to me dated April 22nd, told the judge, we have an illegal alien that we arrested selling drugs - cocaine -- on the streets of the city of New York. The prosecutor asked for bail. Obviously this individual was prone to skip. He was here illegally, forged documents, perfect criminal to expect that he would flee, but the judge knew better and let him out on his own recognizance, no bail. A couple weeks later he killed a police officer.

Now, where are the failures here? The gun? The gun was illegal in the city of New York. It was illegal for him to have it. He was committing a crime in that regard. Toughest laws in the nation, many of my colleagues have pointed that out.

Where was the Immigration and Naturalization Service? They told the police department in January of 1993, Don't bother us any more. If you arrest any more illegal aliens, we don't want to know anything about it. You prosecute them, you put them in jail.

And where was the judge when she had in front of her an illegal alien, that the police department notified her was an illegal alien, arrested for selling cocaine? As far as I'm concerned, she was out to lunch.

So I suggest to you that we do have a serious responsibility when it comes to the proliferation of guns and their ownership by people who are up to no good and out to do violence to our society, but I would suggest to you that the greater problem is a system that

allows for this kind of thing to happen.

SENATOR LEICHTER: Mr. President.

SENATOR PADAVAN: No, not yet, Senator, not yet. Not yet.

ACTING PRESIDENT FARLEY: He doesn't care to yield.

SENATOR PADAVAN: In a minute. -- that allows this kind of thing to happen. If the system had done its job, Officer McDonald would be alive today and this person would have been in jail where he should have been, but it didn't.

So while we can blame guns for being the instrument of violence, we have to blame ourselves and the criminal justice system as well as the peripheral of it -- peripheral to it, for failing to do what the law and prudent responsible people would expect it to do. So let's not lose sight of that on any issue, particularly one involving guns.

Now, Senator Leichter, I'm happy to yield to you.

SENATOR LEICHTER: Mr. President, I appreciate my good friend yielding. Senator, I must say you've made a, I think, compelling case of failures that occurred in this terrible tragedy involving Officer McDonald. I don't think it has much relevance, frankly.

SENATOR PADAVAN: I think it has a great deal of relevance, if you're asking me that question. My answer -

SENATOR LEICHTER: Please, let me -- let me finish my question.

I don't think it does at all unless it's your point which, frankly, I think would be far reached to say that if every -- in every instance, all the things were done correctly by everybody else, then guns wouldn't be a problem, everybody could have guns.

But let me point out to you and wait, Senator, because I'd like your comment on it, and that's my question, the way this bill will make it easier for the Rodriguezes and other people who shouldn't have guns to get guns, because isn't it a fact, Senator, that

under this bill you're dismantling the whole mechanism for controlling guns, particularly in the city of New York, because you're going to presume good cause and Rodriguez will go up there and people will say it's presumed, it's presumed he's got good cause, and they're going to make licensing so much easier, isn't that a fact that that's the result of this bill?

SENATOR PADAVAN: No. The question, Senator, with all due respect, is an absurd one. In the first place, Rodriguez would never get a license for a gun, and the fact is today the law in the city of New York provides for a very strict procedure. Most of the 2,000 people who were killed in the city of New York were killed by individuals using weapons that were obtained illegally and probably among that 2,000 there are people who were killed without weapons -- weapons that are licensed, that's what I mean.

The fact remains the system in our city fails us and I use this as an example because it's certainly a very serious one. It

fails us in that it allows people to be on the street when they shouldn't be. A judiciary that fails us in keeping people away from honest law-abiding citizens, and they will get their hands on these weapons unless we have a national initiative that deals with that problem. They will get their hands on those weapons.

The weapons that are used by criminals in the city of New York are obtained contrary to the toughest law in the nation, and that's happening today.

So, therefore, your question just doesn't make sense when you relate this incident and probably a thousand other incidents like it, not necessarily involving illegal aliens but people who should be behind bars who get their hands on illegal weapons in violation of tough laws, and go out on the street and kill. That's the issue.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT FARLEY: Senator Connor.

SENATOR CONNOR: You know, Mr.

President, I've listened to what Senator Padavan said, and I accept that people, honest citizens, have a right to defend themselves. No one questions that.

What I question is the wisdom of making it easy for the honest citizens who have no specific job-related or immediate fear because of threats, the present standards, to make it -- encourage such citizens to carry a gun, because I don't think it's wise.

The example, the tragic example that Senator Padavan brought out, what happened there, and frankly, it matters not whether it was a home-grown murdering thug or an illegal alien murdering thug, certainly doesn't matter to Officer Sean McDonald, but what happened there is that a trained police officer, trained to use weapons, presumably armed as all New York City police officers must be whether on or off duty, lost the gun battle to this Rodriguez.

It seems to me the message this bill was supposed to convey was, let's let all of our honest citizens become armed so they can

defend themselves, and I say it's not wise, and I question you as follows: What chance would such licensed honest citizens, O.K., you'll tell me they'll have to take a course and go out to the range and fire their guns six times. Hardly -- hardly the kind of training police officers go through, and in fact they, as you know, the police in this city have an extensive course they go through. Part of their training is to avoid shooting innocent bystanders.

Now, what chance does the honest citizens, if we armed all the honest citizens in New York City, what chance do they have against a thug like this Rodriguez? What chance, and what are the chances that, if they tried to use their weapon they would hurt innocent bystanders because of the lack of training?

I just think the message is mixed. I understand the anger that Senator Padavan presents, and I was angry when I read about that judge just casually giving release on recognizance under the circumstances there. That, in my judgment, wasn't an appropriate case

for that, but the fact of the matter is, if a trained police officer couldn't beat him to the draw, why do you even suggest that arming all the honest citizens, giving them a couple-hour firearms course, is going to make them safer, make the city safer, make all the other citizens safer?

In my opinion, it only increases the chances that they're going to lose that fast draw, that they're going to get themselves killed or kill someone else by accident.

So I think the bill is not wise. It's not about everybody's right to defend themselves. It's about what it's wise for us to encourage people to do to defend themselves. I just don't think it's wise to arm everybody.

ACTING PRESIDENT FARLEY: Senator Gold, to close.

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

Senator Leichter, I'm told that this may be the last bill and, if it is, if you want, I'll buy you a drink after session. I

know you've got to be tremendously frustrated.

You're absolutely right. What the case -- the bottom line case of Rodriguez means is irrelevant as opposed to your argument that that man, under this bill, could have become armed easier than under existing law and I don't know why people don't see that.

Right now in the city of New York we have a system that a lot of people think is very cumbersome and very clumsy. People have to wait far too long to get a gun and, under this bill, that system would be easier and it will make it easier not necessarily for the honest people, but as Senator Leichter pointed out, for people with false documents and others to arm themselves.

I just want -- I think a lot has been said, and I just want to make a couple comments because, as usual, my -- my floor mate, Senator Johnson, always seems to be able to hit the right buttons with me when it comes to this issue.

Senator Johnson, we talked about

the Long Island Rail Road and you said, My God, if this bill were in place and, you know, you don't know, maybe somebody on that train would have had a gun and could have whipped it out and saved a few lives.

Senator, do we have anything to indicate to us that there were people in that car who had applied for their gun permits and had been turned down, honest people who were sitting there and who went home and said to their wives or husbands, You know, this proves it; boy, if they would have given me my application, I could have been there and whipped out my gun and saved five lives?

Senator, that's huge speculation. The state of Florida, Senator Johnson, you gave a conversation and as much as you and I differ on issues, Senator Johnson, you've never told me anything that I couldn't take to the bank as far as being true, but, Senator, to start to make laws based upon a comment of a criminal down in Florida, when the facts would indicate to the contrary, you know,

that does -- that doesn't make any sense to me because, in the state of Florida, they first of all, I believe they manufacture 20 percent of the guns in this nation, and I wish they wouldn't. You can get guns down there in three days, and the Brady bill has them an exception, the Brady Law, as I understand it, doesn't apply to Florida. I was told that by a Florida gun store and, in the state of Florida, they have the death penalty and, if you shoot somebody who is a tourist or if you shoot somebody who is a resident because they may have a gun, you still are going to get fried down there. So apparently that doesn't work as a deterrent. Apparently you still go out and shoot tourists in the state of Florida, and nobody is afraid of the death penalty. Let's talk about that part of this whole thing.

You also may want to point out, Senator Johnson, in the state of Florida that has a death penalty and the State of Texas that has a death penalty, they kill more cops than they do in most other places. So I don't know

what the relevance of Florida is.

And between Senator Stavisky and Senator Johnson, I've come out with one conclusion, and that is if we want to respect local government, Senator Stavisky, they don't understand. We have a right to be wrong. I mean we vote for local bills around the state all the time and we say, Well, all right, your locality wants to do this and we assume if they're doing that, the duly elected people know what they're doing.

Well, maybe we have a right to be wrong and there was a -- one of the finest gentlemen who ever served in the Legislature, Senator Levy, used to talk about his wife having a gun and a very distinguished lady from, I think it was Putnam County, Senator Goodhue, used to talk about how dangerous it could be coming down to the City, and I remember those debates, and we said, Look, don't come. You got to bring your gun, don't come, and if we lose the tourism, maybe we'll learn our lesson. You know, punish us.

But we have a right to be wrong. Now, when it was David Dinkins, it was easy to beat him up. Everybody was beatin' up David Dinkins. My God, that became a hobby to some persons. But it's interesting, Rudy Giuliani ran for mayor, tough law and order prosecutor, and I have in front of me, his memo and David Dinkins' memo, one signed by Bozzella, and one signed by Robert M. Harding, and Robert M. Harding, in his wisdom -- and I congratulate him -- the same memo, word for word, because the Giuliani office, legislative office, acknowledges the wisdom that we received from the Dinkins administration on this issue.

So your tough prosecutor, our new mayor, is saying to you, I want to go in the City. Crime is a major issue. People elected me to take care of the City, and I'll do my job, but this doesn't do my job, and don't pass it.

Now, Rudy Giuliani didn't campaign as some bleeding heart Liberal. He didn't campaign as a guy who was -- was for the criminal. I mean it may be that the time has

come for us to take a deep breath and stop reintroducing every year for debate one-house bills in order to make points. Now, I mean -- I mean intellectual points.

Now, Senator Volker and I have debated many, many issues in this area, and we don't agree. It's easy. We don't agree, but if we debate this every year or every other year, every three years, we're still not going to agree and you're not going to pass it, and all I'm saying to you is, let's stop it already. It has a major effect on a major part of this state and we don't want it and, if we're wrong and if people from Syracuse don't come to the city because it's dangerous, then we will suffer, but it's our right to be wrong, and I would urge everybody to once again, those who have opposed the bill, to vote no and those of my colleagues on the other side who come from the city of New York particularly, let's back up that anti-crime hard-hitting new mayor of the city of New York and vote against the bill.

ACTING PRESIDENT FARLEY: Read

the last section.

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

SENATOR GOLD: Slow roll call.

ACTING PRESIDENT FARLEY: I guess a slow roll.

THE SECRETARY: -- next succeeding that on which it shall have become a law.

ACTING PRESIDENT FARLEY: Ring the bell. Slow roll.

THE SECRETARY: Senator Babbush, excused.

Senator Bruno.

(There was no response.)

Senator Connor.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT FARLEY: Senator Connor to explain his vote.

SENATOR CONNOR: To explain my vote.

I think the arguments have been

covered extremely well. I would just encourage my colleagues on the other side who are from the city of New York to think about what the people you represent think about this issue.

Every survey I have ever seen for the last 20 years has shown that New Yorkers in every neighborhood throughout the city of New York want stricter gun laws, want bans since it's been an issue in the last six or seven years on semi-automatic assault weapons. That's what the people want. They feel very, very strongly about that.

I would urge you on the other side of the aisle, back up our mayor. Back up your Republican mayor and vote no.

I vote no.

ACTING PRESIDENT FARLEY: Continue the roll. Senator Connor is in the negative.

THE SECRETARY: Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.

(There was to response.)

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Gonzalez.

(There was no response.)

Senator Goodman.

SENATOR GOODMAN: No.

THE SECRETARY: Senator Hannon.

(There was no response.)

Senator Hoffmann excused.

Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Mr. President, I'd like to my explain my vote.

ACTING PRESIDENT FARLEY: Senator Johnson to explain his vote.

SENATOR JOHNSON: I would like to first say that Senator Gold or anyone who would like to see some of the information about Florida and the decline in crime since the citizens have been empowered to have hand guns, I could provide that information. I don't have it here. Tourist crimes have risen for the reasons that were set forth that they feel that they're not armed and they're an easier target.

I'm aware that Giuliani is a Republican and not soft on crime, the fact that his memo, the Dinkins memo, which I think has been recirculated doesn't show an awful lot of thought has been put into the protection of citizens in New York City.

You all know you have the strictest hand gun laws in the state; you've

licensed hand guns; you've banned assault weapons, every possible thing you could do dealing with weapons, you've done, but the crime wave keeps going on in New York City.

Why? Because I think -- I think that you haven't dealt with the real issue, which is the guns in the hands of criminals and criminals don't abide by any of those laws quite obviously, so they're not affected by any of these great enactments, only the honest citizens.

The polls reflect the media propaganda, and the people can't be blamed for being misled by the newspapers. That's happened many times. This is a very good bill, a first step, and we have to do a lot more about crime in New York City, but this at least is a small start to empowering the people to defend themselves.

I vote yes.

ACTING PRESIDENT FARLEY: Senator Johnson in the affirmative.

Continue the roll.

THE SECRETARY: Senator Jones.
SENATOR JONES: No.
THE SECRETARY: Senator Kruger.
SENATOR KRUGER: No.
THE SECRETARY: Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator Larkin voting in the affirmative earlier today.
Senator LaValle.
SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: No.
THE SECRETARY: Senator Levy.
SENATOR LEVY: Aye.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: Yes.
THE SECRETARY: Senator Maltese.
SENATOR MALTESE: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: No.

THE SECRETARY: Senator Marino, aye.

Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: No.

THE SECRETARY: Senator Nolan excused.

Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Ohrenstein, no.

Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.
THE SECRETARY: Senator Pataki.
SENATOR PATAKI: Yes.
THE SECRETARY: Senator Paterson.
(There was no response.)
Senator Present.
SENATOR PRESENT: Aye.
THE SECRETARY: Senator Rath.
SENATOR RATH: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
(There was no response.)
Senator Sears.
SENATOR SEARS: Yes.
THE SECRETARY: Senator Seward voting in the affirmative earlier today.
Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith voting in the negative earlier today.
Senator Solomon.
SENATOR SOLOMON: No.

THE SECRETARY: Senator Spano.
(There was no response.)
Senator Stachowski.
SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky.
SENATOR STAVISKY: No.
THE SECRETARY: Senator Trunzo.
SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Aye.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: (Affirmative indication).
THE SECRETARY: Yes.
Senator Volker.
SENATOR VOLKER: Yes.
THE SECRETARY: Senator Waldon.
(Negative indication.)
THE SECRETARY: No.

Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT FARLEY: Absentees.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes. Yes.

THE SECRETARY: Senator Gold.

SENATOR GOLD: No.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Paterson.

(There was no response.)

Senator Santiago.

(There was no response.)

Senator Spano.

SENATOR SPANO: Aye.

ACTING PRESIDENT FARLEY: Results.

THE SECRETARY: Ayes 34, nays

21.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR GOLD: Mr. President. Mr. President.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT FARLEY: Senator -- wait a second. Senator Gold.

SENATOR GOLD: Yes, I may be going through the wrong process, but can you go to Senator Nanula for a minute.

ACTING PRESIDENT FARLEY: Senator Nanula.

SENATOR NANULA: I'd like to ask unanimous consent to be recorded in the negative on Calendar Number 607.

ACTING PRESIDENT FARLEY: Without objection, Senator Nanula in the negative. That didn't pass.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I -- I would like to be permitted to change -- a change

on a vote on more recent information which I think I would like to offer to this body which is that, on Calendar Number 282, we had assumed -- this concerns the erection of signs in the Adirondack Park area, and we had assumed that the bill had not been changed.

It had been amended. It is now approved. It is a Governor's bill and is approved by the environmental organizations and there will be signs that will be permitted to be erected on informational kiosks in the Adirondack Park area, at certain rest areas and at designated interchanges of the Northway and they will indicate the availability of food and fuel and lodging, and it is believed that this will, in addition, be an improvement because the Adirondack Mountain Club will be participating in drawing up the signage.

So I will be voting in the affirmative on 282, and I think a great many people will join me on that.

SENATOR JONES: I'd like to change my vote.

ACTING PRESIDENT FARLEY: Without objection.

Senator Jones.

SENATOR JONES: I would like to change my vote to the affirmative on the same bill.

ACTING PRESIDENT FARLEY: 282, Senator Jones is yes.

Senator Stachowski.

SENATOR STACHOWSKI: I'd also like to change to the affirmative due to that information. We were off the floor in the Finance meeting, and we didn't get that information. Senator Gold took so much longer to do the thing as I just did now.

ACTING PRESIDENT FARLEY: Senator Connor.

SENATOR CONNOR: I'd like to change my vote to affirmative.

ACTING PRESIDENT FARLEY: Senator Connor is in the affirmative on 282; Mendez also in the affirmative. Just a moment. Have some order here.

Senator Present.

SENATOR PRESENT: Are you through? Are you through?

ACTING PRESIDENT FARLEY: No, we got some motions on the floor, but everybody is standing, it's hard to recognize.

Senator Levy.

SENATOR LEVY: Ditto.

ACTING PRESIDENT FARLEY: 282, Senator Levy is in the affirmative.

Are there any other vote changes on this one?

SENATOR MALTESE: Not on this one.

ACTING PRESIDENT FARLEY: All right, let me start here. Senator Maltese.

SENATOR MALTESE: Mr. President, I ask unanimous consent to be recorded in the negative on Calendar Number 603 and 661.

ACTING PRESIDENT FARLEY: 603 and 661, you got Senator Maltese in the negative.

Senator Saland.

SENATOR SALAND: Mr. President, I

wish to call up my bill, Print Number 3759, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Saland, Senate Bill Number 3759, an act to amend the Domestic Relations Law.

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

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

SENATOR SALAND: Mr. President, I offer the following amendments.

ACTING PRESIDENT FARLEY: Without objection.

Senator Stafford.

SENATOR STAFFORD: Mr. President, the hour not being late, I think I should take

some time to express my appreciation for the good judgment of those who realized and voted differently. Being late, I won't say any more, but thank you.

ACTING PRESIDENT FARLEY: The record will show that.

Are there any other motions on the floor?

Senator Present.

SENATOR PRESENT: Does Mr. Cornell have something to do?

ACTING PRESIDENT FARLEY: Yes, he does. He has a substitution.

SENATOR PRESENT: Good.

THE SECRETARY: On page 13 of today's calendar, Senator Lack moves to discharge the Committee on Judiciary from Assembly Bill Number 10481 and substitute it for the identical Third Reading 561.

ACTING PRESIDENT FARLEY: Substitution is ordered.

That looks like it. Any other motions?

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT FARLEY: The Senate stands adjourned until tomorrow at 3:00 p.m.

(Whereupon at 6:39 p.m., the Senate adjourned.)