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ALBANY, NEW YORK
February 10, 1997
3:04 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President
STEPHEN F. SLOAN, Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order. Would you please rise and join
4 with me in the Pledge of Allegiance.

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

7 The invocation today will be
8 given by Reverend William Bazemore. He is
9 Pastor of Emanuel Church of God in Christ in
10 Brooklyn. Reverend?

11 REVEREND WILLIAM BAZEMORE:
12 Father, the Son and the Holy Spirit, I come to
13 You today to ask You, let Your blessing smile on
14 everyone here. Let everyone know that You are
15 real. Let everybody know that You're the God
16 that made everything and I think You'll rule it
17 Your way. But, Father, make the men and women
18 understand You will rule it Your way whether we
19 like it or not, but help us to be ready, help us
20 to be -- let justice come in.

21 Father, we are here today asking
22 You to look on everyone here today, forget about
23 what party they are from, but we want justice.
24 Let every bill that they have in today be
25 justified by You, if they justify the bill, You

1 will vote upon it. Father, I'm asking You right
2 now to stand, let us be able to understand Your
3 will more and more. We look at the situation
4 that happens, but one thing I'm asking You in
5 the name of Jesus. Men and women don't
6 understand what has happened to this great
7 nation. Our great nation has fallen, but we
8 don't understand what this is, but I'm here to
9 tell You what You told me. When men and women
10 took the prayer out of the schools and the
11 churches, that was all right because we had so
12 many denominations that has said God be with
13 You, but there is one thing I'm asking You to
14 do. Let everyone in every coatroom everywhere,
15 have three minutes of silent prayer, just three
16 minutes nobody says nothing, and You will see
17 this world turn upside down. You will see men
18 and women understand because there is somebody
19 can call Your name. I don't know who it will
20 be, but if some way it started from the
21 children. If we don't change the situation we
22 have now, the world is going back all the time.
23 This is the greatest nation in the world, but we
24 know what we're built upon. It's built and
25 founded upon in God we trust, and we forgot

1 about doing it saying we don't need the prayer
2 in the schools. I'll go along with that, but
3 somebody has got to realize one thing. We need
4 to have silence, only three minutes before we
5 start anything. If you just have three minutes
6 of silence, God honor that, and the world would
7 be different. You wouldn't have so many people
8 commit suicide. Look at the hurts of our young
9 people. It's a sad thing I see where the young
10 people are committing suicide all over the
11 world, but what it is because we forgot about
12 the foundation that we're built upon.

13 I want everybody here to forget
14 about their party, forget about what party they
15 are, just say, We come here for justice. We
16 want justice in every mayor, every governor, the
17 governor and every mayor of every city in this
18 world, even in New York State. Come to justice
19 and if a bill is not for justice, don't let it
20 pass. Build for justice. Look at your young
21 people don't have nothing to do. Lord, look at
22 the young people don't have nothin' to do, but
23 the homeless people, they got no right to be the
24 homeless people in the city. You made a way for
25 all of us, and we can, all we got to do is trust

1 and obey You. Make a job for these young men.
2 Make a job for the homeless. Don't let them
3 walk around doin' nothing. Make a job, some
4 kind of job. I don't know what job You can
5 make. Make a job and then God will honor them.
6 My book says a man don't work, he should not eat
7 and I stand on that word of make a job but how
8 can you not feed a man when he can't find a
9 job.

10 I want this to be justice in all
11 this Senate and everyone in this courtroom, just
12 think about it. Think about what we got that's
13 happening, think about it and look at what is
14 happening, the suicide people, look at the young
15 people. The young people, I say the old people
16 may do it because they're sick, but now, Father,
17 I'm asking You to test the heart of everyone in
18 here and let them realize who You are. Let the
19 spirit flow that nobody need be sick as long as
20 the session go on. Let it be all one accord.
21 Let them realize who You are. Let them realize
22 that nothing in the world is too hard for You to
23 do and I'm trusting You that I can -- I know You
24 hear my cry. Can You hear my words, Lord don't
25 leave them, and let them understand that You are

1 real. Let them understand that You made
2 everything and You can rule it. This we ask in
3 the name of the Father and the Son and the Holy
4 Spirit. In Jesus' name. Amen.

5 THE PRESIDENT: Amen. Thank
6 you.

7 The reading of the Journal.

8 THE SECRETARY: In Senate,
9 Friday, February 7th. The Senate met pursuant
10 to adjournment. The Journal of Thursday,
11 February 6th, was read and approved. On motion,
12 Senate adjourned.

13 THE PRESIDENT: Without
14 objection, the Journal stands approved as read.

15 Presentation of petitions.

16 Messages from the Assembly.

17 Messages from the Governor.

18 Reports of standing committees.

19 Reports of select committees.

20 Communications and reports from
21 state officers.

22 Motions and resolutions.

23 Senator Skelos.

24 SENATOR SKELOS: I believe
25 there's a privileged resolution at the desk by

1 -- no? We'll do the privileged resolution
2 later. O.K.

3 At this time there's an immediate
4 meeting of the Finance Committee in Room 332 of
5 the Capitol.

6 THE PRESIDENT: There's an
7 immediate meeting of the Finance Committee in
8 Room 332.

9 Senator Skelos? Senator LaValle,
10 are you prepared to make your statement?

11 SENATOR LAVALLE: Yes. Madam
12 President, had I been in the chamber on
13 Wednesday, February the 5th, I would have voted
14 in the negative on Calendar Number 111, Senate
15 Bill Number 1664.

16 THE PRESIDENT: So noted. Thank
17 you, Senator.

18 Senator Skelos.

19 SENATOR SKELOS: Madam President,
20 at this time, if we could take up the
21 non-controversial calendar.

22 THE SECRETARY: Calendar Number
23 35, by Senator LaValle, Senate Print Number 303,
24 an act to amend the Education Law.

25 SENATOR STAVISKY: Lay aside.

1 THE PRESIDENT: Lay it aside,
2 please.

3 THE SECRETARY: Calendar Number
4 38, by Senator Levy, Senate Print 70, an act to
5 amend the Penal Law, in relation to the offense
6 of assault in the second degree in certain
7 instances.

8 SENATOR PATERSON: Lay it aside.

9 THE PRESIDENT: Lay it aside,
10 please.

11 THE SECRETARY: Calendar Number
12 40, by Senator Volker, Senate Print 397, an act
13 to amend the Penal Law, in relation to the
14 issuance of licenses to have and carry pistols.

15 SENATOR PATERSON: Lay aside,
16 please.

17 ACTING PRESIDENT KUHL: Lay the
18 bill aside.

19 THE SECRETARY: Calendar Number
20 44, by Senator Holland, Senate Print 454, an act
21 to amend the Penal Law, in relation to the
22 license to carry or possess a pistol within the
23 state.

24 SENATOR PATERSON: Lay aside,
25 please.

1 ACTING PRESIDENT KUHL: Lay the
2 bill aside.

3 THE SECRETARY: Calendar Number
4 48, by Senator Johnson, Senate Print 502, an act
5 to amend the Penal Law, in relation to the
6 administrative provisions.

7 SENATOR PATERSON: Lay aside.

8 ACTING PRESIDENT KUHL: Lay the
9 bill aside.

10 THE SECRETARY: Calendar Number
11 68, by Senator Johnson, Senate Print 324-A, an
12 act to amend the Public Health Law and the Penal
13 Law, in relation to establishing ketamine as a
14 controlled substance.

15 ACTING PRESIDENT KUHL: Secretary
16 will read the last section.

17 THE SECRETARY: Section 12. This
18 act shall take effect on the 120th day.

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 48.

23 ACTING PRESIDENT KUHL: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 73, by Senator Seward, Senate Print 377, an act
2 to amend the Public Service Law, in relation to
3 telephone blocking services.

4 ACTING PRESIDENT KUHL: Secretary
5 will read the last section.

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

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 49.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 74, by Senator Seward, Senate Print 398, an act
16 to amend the Public Service Law, in relation to
17 restricting access to telephone messages.

18 ACTING PRESIDENT KUHL: Secretary
19 will read the last section.

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 49.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 76, by Senator Stafford, Senate Print 305, an
5 act to legalize, ratify and confirm the acts and
6 proceedings of the Board of Education of the
7 Bolton Central School District.

8 ACTING PRESIDENT KUHL: There's a
9 local fiscal impact note at the desk. Secretary
10 will read the last section.

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 50.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 80, by Senator Goodman, Senate Print 440, an act
21 to amend the Vehicle and Traffic Law, in
22 relation to requiring motor vehicle repair shops
23 to be registered.

24 ACTING PRESIDENT KUHL: Secretary
25 will read the last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect on the 1st day of
3 January.

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 50.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 88, by Senator Present, Senate Print 526, an act
12 to amend the General Municipal Law.

13 SENATOR PATERSON: Lay aside.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 THE SECRETARY: Calendar Number
17 89, by Senator Holland, Senate Print 647, an act
18 to amend the General Municipal Law.

19 SENATOR PATERSON: Lay it aside.

20 ACTING PRESIDENT KUHL: Lay the
21 bill aside.

22 THE SECRETARY: Calendar Number
23 90, by Senator Saland, Senate Print 683, an act
24 to amend the County Law, in relation to
25 exempting public safety agencies.

1 ACTING PRESIDENT KUHL: Secretary
2 will read the last section.

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 51.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 99, by Senator Present, Senate Print 538, an act
13 to amend the Penal Law, in relation to lawful
14 possession of weapons by persons 11 years of
15 age.

16 ACTING PRESIDENT KUHL: Secretary
17 will read the last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 1st day of
20 November.

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT KUHL: Announce
25 the results when tabulated.

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 99 are Senators
3 Kruger, Montgomery and Paterson. Ayes 49, nays
4 3.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

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

9 SENATOR SKELOS: Mr. President,
10 at this time, if we could return to motions and
11 resolutions, I believe there's a privileged
12 resolution at the desk by Senator Connor. I ask
13 that it be read in its entirety and that you
14 then recognize Senator Connor.

15 ACTING PRESIDENT KUHL: We will
16 return to the order of motions and resolutions
17 and the privileged resolution by Senator Connor
18 at the desk will be read in its entirety.

19 THE SECRETARY: By Senators
20 Connor, Montgomery and Gentile: Legislative
21 Resolution paying grateful tribute to the life
22 and accomplishments of the Honorable Eileen C.
23 Dugan, New York State Assemblywoman of the 52nd
24 Assembly District.

25 WHEREAS, the members of the

1 Senate of the state of New York are greatly
2 moved to pay reverent tribute to Eileen C.
3 Dugan, Assemblywoman of the 52nd District and
4 cherished friend and colleague;

5 Assemblywoman Eileen Dugan passed
6 away on November 8, 1996 at age 51, after a
7 courageous four-year battle with breast cancer,
8 less than three days after her reelection to a
9 ninth term by an overwhelming majority;

10 Eileen Dugan was a woman who took
11 the experience of life, the joys and the
12 sorrows, and mixing them with her own grace and
13 creativity, caused them to work together for
14 good in the lives of her family, friends,
15 colleagues and constituents. We who remain seek
16 fittingly to recognize the untimely completion
17 of her illustrious life;

18 Eileen Dugan was born on April
19 15, 1945 in Carroll Gardens, the same community
20 in which she lived and later so served as
21 Assemblywoman for 16 years. She attended local
22 schools and the Grace Business Institute. From
23 1963 through 1974, she worked for Joseph H.
24 Oliphant and Company;

25 Concern for her Carroll Gardens

1 community and the quality of life of its
2 residents drew Eileen Dugan into politics. An
3 early community activist, she was a founder of
4 the Carroll Gardens Association and fought to
5 clean up the Gowanus Canal;

6 Eileen Dugan quickly developed a
7 true appreciation for public service and a
8 passion for politics. A youthful reformer, she
9 helped establish the Bay Ridge Democrats and the
10 Independent Neighborhood Democrats, firmly
11 believing in the effectiveness of grass root
12 organizations;

13 Recognizing her intelligence,
14 commitment and determination, in 1974, Eileen
15 Dugan was named Special Assistant to the
16 Comptroller of the city of New York;

17 In 1980, Eileen Dugan was elected
18 to the Assembly representing the 52nd District
19 which includes the Bay Ridge, Cobble Hill, Park
20 Slope, Red Hook, Sunset Park, Brooklyn Heights
21 and Boerum Hill areas of Brooklyn, as well as
22 her own community of Carroll Gardens;

23 Eileen Dugan came to the Assembly
24 armed with determination of spirit, a quick wit,
25 boundless energy and great wisdom, accompanied

1 by extraordinary sensitivity and compassion;

2 While her relationship with her
3 community and the needs of her constituents were
4 forever her overriding concern, Eileen Dugan's
5 wide-ranging interests and immense talent
6 quickly earned her the admiration of her
7 Assembly colleagues and the respect of her
8 adversaries;

9 Eileen Dugan's Assembly career
10 was filled with achievements and accomplish
11 ments. Most recently she chaired the Assembly
12 Committee on Economic Development, Job Creation
13 and Industry and was notably successful in
14 establishing economic development zones in
15 deteriorating neighborhoods;

16 Eileen Dugan was the first woman
17 to be named to the crucial Assembly Ways and
18 Means Committee. She was a valued member of the
19 Committee since 1985;

20 Assemblywoman Dugan also served
21 as the Assembly's representative to the Public
22 Authorities Control Board and as a member of the
23 Rules, Governmental Employees and Labor
24 Committees;

25 The Brooklyn waterfront being a

1 significant part of her district, Eileen Dugan
2 was a strong advocate for the revitalization of
3 the state's waterfront areas through the
4 introduction of new businesses and the
5 establishment of open space and parkland areas.
6 As chair of the Assembly Subcommittee on Water
7 front Development, she was responsible for much
8 of our state's progress toward these ends;

9 Eileen Dugan was, in addition,
10 early in her Assembly career, the chair of the
11 Subcommittee on Displaced Homemakers. In this
12 capacity, she was instrumental in the passage of
13 the legislation providing job training and
14 educational opportunities for women, training
15 funds for divorced or battered women, and the
16 establishment of training centers for women
17 throughout the state;

18 Trusted adviser, steadfast
19 friend, tenacious fighter on behalf of her
20 district, Eileen Dugan was straightforward in
21 all her dealings. She truly merits the grateful
22 tribute of this assembled body. Each of us can
23 draw upon the book of memory and find therein
24 reasons for her own gratitude.

25 WHEREAS, the sincere condolences

1 of this assembled body are offered in great
2 respect to Eileen Dugan's treasured family, she
3 is survived by her sister, Patricia Curtin, her
4 two brothers Brian and Brendon, her ten nieces
5 and nephews and her three great-nieces and
6 great-nephews.

7 NOW, THEREFORE BE IT RESOLVED
8 that this legislative body pause in its
9 deliberations to pay grateful tribute to the
10 life and accomplishments of Assemblywoman Eileen
11 C. Dugan, recognizing her record of public
12 service and dedicating ourselves anew to the
13 causes and people she served, and

14 BE IT FURTHER RESOLVED that a
15 copy of this resolution, suitably engrossed, be
16 transmitted to the family of the Honorable
17 Eileen C. Dugan, New York State Assemblywoman of
18 the 52nd Assembly District.

19 ACTING PRESIDENT KUHL: The Chair
20 recognizes Senator Connor, on the resolution.

21 SENATOR CONNOR: Thank you, Mr.
22 President.

23 I really don't know quite where
24 to begin. Many of us in this chamber, either as
25 members of the Senate, worked with Eileen in her

1 capacity in the Assembly and I know many members
2 of this body also served with her in the
3 Assembly.

4 I first met Eileen a long time
5 ago. We weren't much more than kids then and
6 she was this young fireball with long red hair
7 down to her waist. My hair only came to the
8 middle of my back then, and it was a different
9 time; it was a different era. We were involved
10 in changing things in a neighborhood, and I know
11 the resolution talks of Eileen being born in
12 Carroll Gardens, but the neighborhood didn't
13 have so elegant a soubriquet in those days. It
14 was what old-timers in Brooklyn called Red
15 Hook. The real estate folks, in the late '60s
16 and early '70s, changed it to Carroll Gardens
17 and it's since had the desired effect on the
18 value of real property.

19 Eileen's parents were immigrants
20 from Ireland, County Donegal. Her father worked
21 in the Transit Authority. She attended schools
22 in the neighborhood and made friends, made lots
23 of friends. For one thing, if you knew Eileen,
24 you knew she was a generous, engaging, concerned
25 friend. At her funeral services there were

1 literally thousands of people who came by and so
2 many of them felt, as someone said to me at that
3 time, they said, "Gee, you know, there's been a
4 couple thousand people and they all think they
5 were Eileen's best friend," and I said, "Well,
6 you know, there's a reason for that above and
7 beyond the art of politics. That's because she
8 treated that many people the way one would treat
9 a best friend." People didn't have a family
10 event, a birth, a death, a family crisis, people
11 who knew Eileen knew that she would be one of
12 the first people on the phone or to come by, Can
13 I help? What can I do? And she would do all
14 she could do.

15 Eileen and I were just very, very
16 good friends. She was the godmother to my
17 oldest son, and you all know, and the resolution
18 sets out a bit of what she meant as a public
19 force, as a member of the Legislature, but she
20 was, for me, one of the best friends I've ever
21 had. She'd always treated me that way. She was
22 like a member of my family, and she made me feel
23 like a member of her family, and I'm certainly
24 going to miss her, and I think a lot of people
25 around this Capitol are going to miss her, and

1 it's really kind of unique that someone who was
2 so committed to principle, so kind to other
3 people was also so forceful and determined and
4 any of you who ever, on any issue, crossed
5 Eileen would know that. She also was not a
6 shrinking violet, by any means.

7 I remember her first week here as
8 a member of the Assembly. I was elected to the
9 Senate two years before that in a special
10 election. Week after I was elected, I remember
11 leaving session here and racing back to New York
12 for a Democratic County Committee meeting where
13 Eileen was elected to the State Committee by one
14 vote. I went down that Thruway in fear -- I
15 knew it would be a close vote -- in fear of my
16 life if I didn't make it to that meeting to vote
17 and, of course, I got there as they were
18 starting to call the roll. I voted for Eileen
19 and in the end she won by one vote, and her
20 answer was, "You made it, good thing you made
21 it."

22 The -- but her first week up
23 here, if you all knew her predecessor, those of
24 you who knew her predecessor was a very, very
25 fine justice of the Supreme Court now, Mike

1 Pesci. He was somewhat a rebel in those days in
2 the Assembly, rebel to whomever the Speaker was,
3 and somewhat played the role of a member of the
4 Legislature as some members have done from time
5 to time, very much the outsider, not that
6 involved in the goings on in Albany -- very,
7 very fine community spokesperson and leader, but
8 what the leadership in the Assembly in those
9 days regarded as a real pain; and Eileen upon
10 arriving here was ushered into see Speaker -
11 then Speaker Fink, and he began to approach her
12 very much the way he would -- and she was very
13 very close to Mike Pesci too, but he approached
14 her very much the way he would Mike and she cut
15 him off three sentences in and said, "Listen,
16 Stanley, I'm not Mike Pesci in drag, you don't
17 have to treat me that way," and that was her
18 introduction to the leadership in the Assembly.

19 You know, I could probably sort
20 of go on and on. I could probably write a book
21 about Eileen, and maybe I will some day, but she
22 meant so very, very much to me and my family and
23 I think she also meant something to the state of
24 New York because of her advocacy on behalf of
25 what she believed was the right thing to do and

1 her dedicated efforts. And those of you who
2 knew, and I think we all knew these last four
3 years she went through the most heroic struggle
4 to battle the dreaded illness of breast cancer.
5 I remember well when she first called me
6 Christmas four years ago, ten days before
7 Christmas, and she always had a dinner and we'd
8 bring the kids and, you know, she was great with
9 kids. I mean when they were smaller, you know,
10 taking the kids to somebody's house for dinner
11 was like, well, you know, are they going to
12 throw the food and all that. Well, that was
13 fine with Eileen and she would take their side
14 and she called to say she had to cancel that
15 dinner because she'd just discovered something
16 and she had to start treatment immediately, and
17 I think we all saw that struggle the last four
18 years. It was truly heroic, because I don't
19 think she missed except for those stretches when
20 she was in hospital, she didn't miss very much
21 session. She would schedule pretty heavy
22 treatments for Thursday afternoon, and by Monday
23 morning, she'd be back in session, back in her
24 office, put in long, full days, did that,
25 frankly, right up -- at the Democratic

1 Convention this last August, Eileen was there.
2 She was the honorary chair of the Democratic -
3 of the New York delegation, and I saw her go to
4 the floor, you know, these conventions start
5 around 2:00 or 3:00 in the afternoon with a lot
6 of less than noteworthy speeches. There's no TV
7 cameras there. Most of us plan on arriving 6:30
8 or 7:00 in the evening after dinner when the
9 real action began. Eileen would go over there
10 every day and sit through every minute of it
11 because she was a delegate and the convention
12 was in session, and she was clearly fighting her
13 illness then. She was very tired. She then
14 went back and went through a primary campaign,
15 got, I don't know if it was 88 or 90 percent of
16 the vote in that, and then won the general
17 election overwhelmingly just a couple days
18 before her death, and wait -- wait, and this is
19 obviously not the first thing.

20 There are things throughout the
21 district that she loved and worked so hard for
22 and that loved her so much, people ongoing
23 paying tribute to her and, if you knew Eileen,
24 you would also know the one overriding thought
25 as she looks down on this, she would be saying

1 "Oh, shut up, Connor, and sit down." She
2 didn't like a fuss about herself. She demanded
3 respect and she earned it and she got it, but
4 she didn't like a big fuss. So, with that said,
5 I urge the adoption of this resolution and I
6 invite certainly every member of the Senate to
7 join in sponsoring it.

8 Thank you.

9 ACTING PRESIDENT KUHL: Any other
10 Senator wishing to speak? Senator Montgomery, on
11 the resolution.

12 SENATOR MONTGOMERY: Yes, thank
13 you, Mr. President.

14 I am very pleased to be able to
15 join with the Democratic leader, Senator Connor,
16 in memorializing and honoring this woman who was
17 a very special person, certainly in Brooklyn,
18 and also in this Legislature.

19 When I think of Eileen, I always
20 am reminded sort of from whence I -- I come as a
21 political person. It was at the time when there
22 was someone by the name of Mike Pettit, who was
23 from Texas and a total political person and
24 along with Mike Pesci and along with Gary Dean
25 who was someone that I worked with very, very

1 early on, and Peter Vogel, who was a person
2 organizing in a very meaningful and determined
3 way an organization which has become known as
4 Lamda, one of the major forces in our part of
5 Brooklyn. It was also Marty Connor, and a
6 number of other people, and it was also Eileen
7 Dugan.

8 We all were working what we
9 considered to be because of our youth and
10 perhaps to some extent our political naivete at
11 that point in time. We thought that we would be
12 the generation of people to change the way
13 politics went in Brooklyn. We were committed to
14 a vision and a purpose and a cause that was
15 really related to our neighborhoods and the
16 people who lived there, and Eileen Dugan was a
17 person who was identified with her neighborhood,
18 so despite all of her political involvement and
19 the eventually being elected to office and
20 becoming a major force in her community, it was
21 always in her mind solely to represent the
22 people that were -- who were her neighbors and
23 her friends and her family, not just
24 constituents.

25 When I first decided to run for

1 the Senate, it was Eileen Dugan who was one of
2 my friends from -- from my prior years as an
3 activist in the community, I in my community and
4 she in hers, but working together for the same
5 purpose. She was the first person, the first
6 elected official, to endorse my candidacy and in
7 fact encourage and support me.

8 It is really a very major loss to
9 our institution because Eileen was a person who
10 represented the aspirations and the commitment
11 and all of the principles that those of us who
12 are women in the Legislature would aspire to,
13 and that is that we want to be -- we want to be
14 feminists. We want to be committed to the
15 principles of freedom and opportunity for women
16 to achieve their highest potential and to
17 realize their own goals for themselves and by
18 themselves.

19 So we indeed will certainly miss
20 Eileen Dugan because she was a beacon unto those
21 of us women in the Legislature as well as to
22 women in her own district, and I certainly will
23 miss seeing her and being, in fact, able to
24 learn from her, having such skill and having
25 such strength as an elected official.

1 Thank you.

2 ACTING PRESIDENT KUHL: Is there
3 any other Senator wishing to speak on the
4 resolution?

5 Senator Skelos, Senator Connor
6 had indicated that the resolution would be open
7 to other members. Shall we follow the normal
8 procedure and put everybody on the resolution
9 with the exception of those who don't want to be
10 on?

11 SENATOR SKELOS: Yes, Mr.
12 President.

13 ACTING PRESIDENT KUHL: I'll
14 direct the Secretary to do that. Then at this
15 time, the question is on the resolution, and I
16 would ask all the members who are going to be
17 voting in favor to rise in a moment of silence
18 to indicate their affirmation of the adoption of
19 the resolution.

20 (A moment of silence was
21 observed.)

22 The resolution is adopted.

23 Senator Skelos.

24 SENATOR SKELOS: Mr. President.

25 ACTING PRESIDENT KUHL: Senator

1 Skelos.

2 SENATOR SKELOS: If at this time
3 we could take up the controversial calendar and
4 start off with Senator Levy's bill, Calendar
5 Number 38.

6 ACTING PRESIDENT KUHL: Secretary
7 will call the controversial calendar commencing
8 with Calendar Number 38, by Senator Levy, Senate
9 Print 70. Secretary will read.

10 THE SECRETARY: Calendar Number
11 38, by Senator Levy, Senate Print 70, an act to
12 amend the Penal Law, in relation to the offense
13 of assault in the second degree in certain
14 instances.

15 SENATOR MONTGOMERY:
16 Explanation.

17 ACTING PRESIDENT KUHL: Senator
18 Levy, an explanation of Calendar Number 70
19 (should be 38) has been requested by the acting
20 Minority Leader, Senator Montgomery.

21 SENATOR LEVY: Yes, Senator
22 Montgomery. We've taken up this bill for a
23 number of years, and all it really does is to
24 raise the potential penalty for assaulting a
25 person employed by a school district or BOCES,

1 and who is in a supervisory or instruction
2 position, to the same as the laws in our state
3 that relate to an assault on a police officer or
4 on a fire -- some -- a police officer working
5 for a police department or a fire person working
6 for a fire department.

7 ACTING PRESIDENT KUHL: Senator
8 Montgomery.

9 SENATOR MONTGOMERY: Yes, Mr.
10 President. If the -- if the sponsor of the bill
11 would yield for a question?

12 ACTING PRESIDENT KUHL: Senator
13 Levy, do you yield?

14 SENATOR LEVY: Yes.

15 ACTING PRESIDENT KUHL: Senator
16 yields.

17 SENATOR MONTGOMERY: Senator
18 Levy, I was just trying to -- I'm trying to
19 figure out what the degree of assault is and if
20 there's any relationship to the degree of
21 assault and the -- the penalty itself.

22 SENATOR LEVY: Senator, what this
23 bill does is to make it a "D" felony, the same
24 punishment upon conviction as for assaulting a
25 police officer, a fireman or firewoman.

1 SENATOR MONTGOMERY: And is there
2 any level of proof -- Mr. President.

3 SENATOR LEVY: Beyond a
4 reasonable doubt.

5 SENATOR MONTGOMERY: Thank you.

6 ACTING PRESIDENT KUHL: Any other
7 Senator wishing to speak on the bill. Hearing
8 none, the Secretary will read the last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the 1st day of
11 November.

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT KUHL: Announce
16 the results when tabulated.

17 Senator DeFrancisco, to explain
18 his vote.

19 SENATOR DeFRANCISCO: I just want
20 to explain my vote.

21 I voted in the negative and it's
22 not because I don't like teachers or supervisory
23 personnel or administrators, but I just think
24 creating special categories of individuals who
25 happen to be the victim of a crime to increase

1 penalties, if they happen to be the victim,
2 makes little sense to me.

3 It seems to me that the chances
4 of a young child who assaults a teacher being
5 charged with a felony will never happen, number
6 one. It may make us feel good to have bills
7 like this, but realistically it will never
8 happen. I don't know of any young person who
9 has gone to jail for even the year that the mis
10 demeanor laws now currently allow for assault on
11 teachers.

12 So I don't think it's a good
13 idea. I think it's very, very bad precedent.
14 If we -- I could see firefighters and police
15 officers. They're the first line of defense in
16 trying to protect the public, but to add
17 teachers, do you then add clergy, do you then
18 add legislators, do you add senior citizens?
19 Where do you end?

20 There should be laws that are
21 across the board and, for that reason, I'm
22 voting no, not because of any discourtesy or
23 dislike of the victims that happen to be the
24 ones who are to be protected by this bill.

25 ACTING PRESIDENT KUHL: Announce

1 the results.

2 THE SECRETARY: Those recorded in
3 the negative on Calendar Number 38, Senator
4 DeFrancisco, Montgomery and Sampson. Ayes 54,
5 nays 3.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 Senator Skelos.

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

14 ACTING PRESIDENT KUHL: We will
15 return to the order of reports of standing
16 committees. Secretary will read the report of
17 the Finance Committee.

18 THE SECRETARY: Senator Stafford,
19 from the Committee on Finance, offers up the
20 following nominations:

21 Director of the state of New York
22 Mortgage Agency, Joseph Strasburg, Esq.

23 ACTING PRESIDENT KUHL: The Chair
24 recognizes Senator Stafford.

25 SENATOR STAFFORD: Mr. President,

1 before I yield to the Senator from Richmond, I
2 would just point out that Mr. Strasburg came
3 before the Committee. He answered questions, I
4 might add one of the major questions was
5 verbatim what I had asked him. I think that
6 there were good answers.

7 I would point out, as I know
8 Senator Marchi will, that Mr. Strasburg
9 professionally has evidenced his ability,
10 character and decency, and I compliment the
11 Governor on this appointment and I yield to
12 Senator Marchi.

13 ACTING PRESIDENT KUHL: The Chair
14 recognizes Senator Marchi. On the nomination.

15 SENATOR MARCHI: Thank you,
16 Senator and Mr. President.

17 We're very proud in my community
18 of the nominee. He served originally as an
19 assistant to Tom Cuite. None of you have been
20 here long enough to remember him, but he was a
21 colleague of mine, way back.

22 SENATOR STAFFORD: Who is it?

23 SENATOR MARCHI: Tom Cuite.

24 SENATOR STAFFORD: Oh, sure.

25 SENATOR MARCHI: And he was

1 Speaker -- Speaker of the City Council, and that
2 position materialized as chief of staff and
3 legislative counsel to the Speaker of the city
4 of New York, Speaker Vallone. Every contact
5 with him and his entire background, there's one
6 unanimous echo that you get when you -- when his
7 name comes up, and that's the quality that -- of
8 professional expertise that he has, his honesty,
9 his integrity, in other words all of those
10 qualities which we -- we feel should be well
11 represented in this agency.

12 So he has a fine academic
13 background. Combine that with experience that
14 gives him hands-on experience. Altogether, it
15 adds up to a very superlative nomination and
16 certainly he has the -- he had the unanimous
17 consent of the standing committee that -- that
18 -- where he was first heard and the unanimous
19 verdict followed, and now at the Finance
20 Committee a reconfirmation of that same measure
21 of confidence.

22 So I certainly urge the unanimous
23 consideration of this nomination.

24 ACTING PRESIDENT KUHL: Any other
25 Senator wishing to speak on the nomination?

1 Hearing none, the question is -- Senator Gold.
2 Senator Gold passes or speaks on the nomination?

3 SENATOR GOLD: Yeah, Mr.
4 President.

5 ACTING PRESIDENT KUHL: Senator
6 Gold, on the nomination.

7 SENATOR GOLD: Thank you very
8 much.

9 Mr. President, I'm sorry but I
10 was called out of the room for a few moments,
11 but it's my understanding that Senator Stafford
12 made reference to the fact that Mr. Strasburg
13 was asked certain questions by me at the
14 committee meeting and, first of all, just for
15 the record, I did request, on behalf of this
16 Conference, that Mr. Strasburg appear even
17 though the job is a non-paying job. I
18 appreciate the fact that he did appear and that
19 Senator Stafford honored the request.

20 I asked Mr. Strasburg some
21 questions at the meeting because there were some
22 matters which just should be answered for the
23 record, but I want the record also very clear as
24 I indicated in Finance, that I am aware of the
25 work that Mr. Strasburg did while he served the

1 New York City Council.

2 I think that, as far as I know,
3 there has never been a question as to his
4 integrity or his intellect, and the questions
5 that were raised were questions which just
6 should be asked out on the public record, but I
7 believe as I said in the committee that
8 certainly he does the Governor a greater favor
9 than the Governor does him in asking him to take
10 this job. I believe that he will do it with
11 integrity, as he's done other -- each and every
12 other job he's had to do in government.

13 I think the fact that he worked
14 for an organization whose views I don't always
15 agree with are irrelevant to the issue of
16 whether or not he is competent and capable and
17 -- and someone who should be able to take this
18 job and who is competent in terms of the
19 Governor making the appointment and, with that
20 in mind, I intend to vote in the affirmative.

21 ACTING PRESIDENT KUHL: Senator
22 Smith, you wish to speak on the nomination?
23 Senator Smith, on the nomination.

24 SENATOR SMITH: Thank you, Mr.
25 President.

1 I, too, would like to second the
2 nomination of Joseph Strasburg. I would like to
3 say for the record that it is undeniable that he
4 has all of the qualifications to do an excep
5 tional job, and this is one of the best
6 appointments that the Governor has made.

7 I also state for the record that
8 he is a friend, and I mean that literally, and
9 he takes friendship very seriously as well as
10 any job that he has undertaken, and I know that
11 he will be a fine example of a great appointment
12 by the Governor, and I thank the Governor for
13 doing so.

14 ACTING PRESIDENT KUHL: Is there
15 any other Senator wishing to speak on the
16 nomination? Hearing none, the question is on
17 the nomination of Joseph Strasburg, Esq., of
18 Staten Island to become the director of the
19 state of New York Mortgage Agency. All those in
20 favor of the nomination signify by saying aye.

21 (Response of "Aye.")

22 Opposed nay.

23 (There was no response.)

24 The nominee, Joseph Strasburg is
25 confirmed as the director of the state of New

1 York Mortgage Agency.

2 Mr. Strasburg, congratulations
3 and good luck.

4 (Applause.)

5 The Secretary will continue to
6 read.

7 THE SECRETARY: Member of the
8 board of directors of the New York Convention
9 Center Operating Corporation, Stephen J.
10 Morello.

11 SENATOR STAFFORD: Move
12 confirmation.

13 ACTING PRESIDENT KUHL: Question
14 is on the nomination of Stephen Morello to
15 become a member of the board of directors of the
16 New York Convention Center Operating
17 Corporation. All those in favor signify by
18 saying aye.

19 (Response of "Aye.")

20 Opposed nay.

21 (There was no response.)

22 The nominee is confirmed.

23 Secretary will continue to read.

24 THE SECRETARY: Member of the
25 Advisory Council on Alcoholism and Substance

1 Abuse Services, Paul Lewis Shechtman.

2 SENATOR STAFFORD: Move
3 confirmation.

4 ACTING PRESIDENT KUHL: Question
5 of is on the nomination of Paul Lewis Shechtman,
6 of New York City, to become a member of the
7 Advisory Council on Alcoholism and Substance
8 Abuse Services. All those in favor of the
9 nomination signify by saying aye.

10 (Response of "Aye.")

11 Opposed nay.

12 (There was no response.)

13 The nominee is confirmed.

14 Secretary will continue to read.

15 THE SECRETARY: Members of the
16 Niagara Frontier State Park Recreation and
17 Historic Preservation Commission, David S.
18 Broderick and John Silsby.

19 SENATOR STAFFORD: Move
20 confirmation.

21 ACTING PRESIDENT KUHL: Question
22 is on the confirmation of David Broderick and
23 John Silsby to become members of the Niagara
24 Frontier State Park Recreation and Historic
25 Preservation Commission. All those in favor

1 signify by saying aye.

2 (Response of "Aye.")

3 Opposed nay.

4 (There was no response.)

5 The nominees are confirmed.

6 Secretary will continue to read the Finance
7 Committee report.

8 THE SECRETARY: Also Senator
9 Stafford, from the Committee on Finance, offers
10 up the following bill:

11 1373, by Senator Cook, an act to
12 amend the Executive Law, in relation to the task
13 force on school community.

14 ACTING PRESIDENT KUHL: Without
15 objection, the bill is ordered directly to third
16 reading.

17 Senator Skelos.

18 SENATOR SKELOS: Mr. President,
19 if we could continue with the controversial
20 calendar, regular order.

21 ACTING PRESIDENT KUHL: Secretary
22 will call the controversial calendar beginning
23 with Number 35, by Senator LaValle.

24 THE SECRETARY: Calendar Number
25 35, by Senator LaValle, Senate Print 303, an act

1 to amend the Education Law, in relation to the
2 Board of Regents of the University of the state
3 of New York.

4 SENATOR STAVISKY: Mr. President,
5 I seek an explanation from the sponsor.

6 SENATOR SKELOS: Mr. President,
7 could we lay that aside for the day.

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

10 SENATOR LEICHTER: Mr.
11 President.

12 ACTING PRESIDENT KUHL: Senator
13 Leichter, why did you rise?

14 SENATOR LEICHTER: While I was in
15 the Senate Finance Committee meeting, Calendar
16 74 passed on the non-contested calendar. Is
17 that bill still in the house?

18 ACTING PRESIDENT KUHL: No, the
19 bill is gone, Senator.

20 SENATOR LEICHTER: Mr. President,
21 I believe last year that issue was raised, and I
22 think a procedure was set up that -- on the
23 non-controversial calendar that bills would be
24 held while committee meetings were proceeding.
25 If you don't want to do it that way, we can just

1 lay everything aside, but I -- I do believe that
2 that request was made, and I believe it was
3 acceded to because committees more and more are
4 being called off the floor.

5 I was in the Finance Committee,
6 and why can't we hold these bills that pass on
7 non-controversial, just hold them at the desk so
8 if a member has a question, as I had about this
9 bill, we would then have an opportunity to raise
10 it?

11 SENATOR SKELOS: Mr. President, I
12 believe there was no formal agreement like that,
13 but that certainly the member would be able to
14 come back in, make a statement on the record,
15 vote accordingly or, if we were notified in
16 advance of the meeting, that Senator Leichter
17 will be at a Finance Committee meeting, could
18 you hold up the bill that we would try to
19 accommodate that way, but once a bill is voted
20 on and it's out of the house, it's been moved
21 out. We can't -

22 SENATOR LEICHTER: No, no.

23 SENATOR SKELOS: We can't
24 anticipate every bill that a member is going to
25 want to debate or not debate if they're not in

1 the chamber.

2 SENATOR LEICHTER: Senator,
3 you're right but, as you know, with all the rush
4 of business, it sometimes happens that you don't
5 tell counsel, Please hold this bill or lay it
6 aside, and I'm just suggesting it's a very easy
7 thing, pass the bill but just hold it at the
8 desk, and my recollection is pretty clear that
9 we agreed last year as a matter of accommodation
10 and the easy working of this chamber that we
11 would do that rather than just lay every bill
12 aside while committees are meeting, so my
13 request would be that in the future that we
14 would do that.

15 SENATOR SKELOS: We will take
16 that under consideration, and I'm sure it's
17 something that at the leadership level that
18 could be discussed.

19 SENATOR LEICHTER: Well, I hope
20 you won't have too many sleepless nights
21 pondering that, Senator Skelos. In the
22 meantime, would you be so good, with unanimous
23 consent, may I be in the negative on Calendar
24 74.

25 ACTING PRESIDENT KUHL: Without

1 objection, hearing no objection, Senator
2 Leichter will be recorded in the negative on
3 Calendar Number 74.

4 Secretary will continue to read
5 the controversial calendar.

6 THE SECRETARY: Calendar Number
7 40, by Senator Volker, Senate Print 397, an act
8 to amend the Penal Law, in relation to licenses
9 to have and carry pistols.

10 SENATOR VOLKER: Same debate as
11 last year? We can do that. Should I explain
12 it? This is a bill, as Senator Gold just
13 indicated -

14 ACTING PRESIDENT KUHL: Senator
15 Volker, I didn't hear anybody from this end of
16 the chamber asking for an explanation.

17 SENATOR VOLKER: O.K.

18 SENATOR STACHOWSKI:
19 Explanation.

20 ACTING PRESIDENT KUHL: I guess
21 Senator Stachowski recognized that you were on
22 your feet and wanted to listen to you this
23 afternoon, so Senator Volker, for an
24 explanation.

25 SENATOR VOLKER: I knew it was

1 coming.

2 This bill, which has passed this
3 house on a number of occasions before, is called
4 the "proper cause bill" which provides that an
5 applicant for a pistol permit is presumed to be
6 of clean moral, criminal and mental character
7 and as opposed to the situation today where a
8 person in effect must demonstrate that there's a
9 proper cause for a pistol license to be -- to be
10 presented.

11 This, by the way, does not change
12 the fingerprinting and the other record checks,
13 but would provide a presumption that the person
14 has the right to -- to obtain a pistol license
15 rather than the present system which sets up
16 that the person must provide, in effect, the
17 proper cause to get a license.

18 ACTING PRESIDENT KUHL: Is there
19 any Senator wishing to speak on the bill?
20 Hearing none, the Secretary will read the last
21 section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the 1st day of
24 November.

25 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT KUHL: Announce
4 the results when tabulated.

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 40 are Senators
7 Abate, Breslin, Connor, Dollinger, Gentile,
8 Gold, Goodman, Kruger, Lachman, Leichter,
9 Markowitz, Nanula, Onorato, Sampson, Santiago,
10 Seabrook, Smith, Stavisky and Waldon, also
11 Senator Oppenheimer. Ayes 36, nays 21.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 Secretary will continue to read
15 the controversial calendar.

16 THE SECRETARY: Calendar Number
17 44, by Senator Holland, Senate Print 454, an act
18 to amend the Penal Law, in relation to a license
19 to carry or possess a pistol within the state.

20 SENATOR PATERSON: Explanation.

21 SENATOR HOLLAND: Mr. President.

22 ACTING PRESIDENT KUHL: Senator
23 Holland, an explanation has been asked for by
24 Senator Paterson.

25 SENATOR HOLLAND: This is a bill

1 about fairness that I have carried in this house
2 for seven years, and before me Senator Levy
3 carried, and I don't know how many years he
4 carried it.

5 It is a question of fairness in
6 that if you purchase a, or are issued rather a
7 pistol license in the city of New York you can
8 carry it in any of the counties of the state of
9 New York, but if you are issued a pistol license
10 in any of the 57 counties outside of the city of
11 New York, you cannot carry it into the city of
12 New York unless it's in a locked box. That's
13 the full question.

14 The question then that will be
15 raised is, how about the weapons getting away or
16 the people are untrustworthy? These are people
17 who are issued pistol licenses by judges in the
18 state of New York, and to -- and I used to be a
19 county clerk, as I've said here for seven years,
20 and to be issued a pistol license in the county
21 of Rockland or any other county, you have to
22 have your fingerprints taken. It takes at least
23 three months; it could take 13 months. You have
24 to have your fingerprints go before the F.B.I.,
25 the BCI, you have to have a mental health

1 review. You have to have a letter from your
2 spouse that says she doesn't mind or he doesn't
3 mind if there is a weapon in the house.

4 The people who are issued pistol
5 licenses are very honorable, reputable and
6 responsible. They do not cause problems. I do
7 not see why this is a problem to some of the
8 people in the city of New York.

9 Thank you.

10 ACTING PRESIDENT KUHL: Is there
11 any Senator wishing it speak the bill? Hearing
12 none, the Secretary will read the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 1st day of
15 November.

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT KUHL: Announce
20 the results when tabulated.

21 SENATOR GOLD: Mr. President.

22 ACTING PRESIDENT KUHL: Senator
23 Gold, to explain his vote.

24 SENATOR GOLD: Mr. President, I
25 was informed by Senator Stachowski that if I was

1 going to engage in any physical activity at all,
2 I should warm up before I did it, and I want to
3 thank Senator Holland and Senator Volker and
4 others for giving us the warm-up these few weeks
5 in the legislative session as they do every year
6 so we can go through this process before we get
7 to serious legislation that may pass both
8 houses.

9 I vote in the negative.

10 ACTING PRESIDENT KUHL: Senator
11 Gold will be recorded in the negative.

12 For those who are voting in the
13 negative, please raise their hand one more time
14 so that the Secretary can record your negative
15 votes.

16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 44, Senators
19 Abate, Breslin, Connor, Gentile, Gold, Goodman,
20 Kruger, Lachman, Leichter, Markowitz,
21 Montgomery, Nanula, Onorato, Paterson, Sampson,
22 Santiago, Seabrook, Smith, Stavisky and Waldon.
23 Ayes 37, nays 20. Also Senator Oppenheimer.
24 Also Senator Dollinger.

25 SENATOR DOLLINGER: Thank you.

1 THE SECRETARY: Ayes 35, nays

2 22.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 Secretary will continue to read
6 the controversial calendar.

7 THE SECRETARY: Calendar Number
8 48, by Senator Johnson, Senate Print 502, an act
9 to amend the Penal Law, in relation to the
10 administrative provisions relating to the
11 issuance of firearm licenses.

12 SENATOR PATERSON: Explanation.

13 ACTING PRESIDENT KUHL: Senator
14 Johnson, an explanation of Calendar Number 48
15 has been requested by Senator Paterson.

16 SENATOR JOHNSON: Mr. President,
17 Section 400 of the Penal Law sets forth the
18 standards for issuing a pistol licenses. In
19 some jurisdictions additional standards,
20 conditions, and so forth, are applied by the
21 licensing authorities without legal authority to
22 do so.

23 There are two types of pistol
24 permits, pistol licenses, which can be issued,
25 either premises or carry. There's no third type

1 there. We have a varied number of types created
2 by local issuing officers and such as hunting,
3 target shooting or other category where they
4 feel it's appropriate maybe just back and forth
5 on your job but no place else, and if it's a
6 carry license, according to the statute, it's
7 carry premises to premises.

8 This simply says no other
9 conditions shall be placed on the licenses
10 beyond those set forth in the section of the law
11 to which we refer.

12 Thank you.

13 ACTING PRESIDENT KUHL: Senator
14 Abate.

15 SENATOR ABATE: Yes. Would
16 Senator Johnson yield to a question?

17 ACTING PRESIDENT KUHL: Senator
18 Johnson, do you yield?

19 SENATOR JOHNSON: Yes, Mr.
20 President.

21 ACTING PRESIDENT KUHL: Senator
22 yields.

23 SENATOR ABATE: It's my
24 understanding of the bill that, if this became
25 law, that the number of carry permits in New

1 York City would dramatically increase. Is that
2 correct?

3 SENATOR JOHNSON: I don't know.

4 SENATOR ABATE: Well, right now
5 they -

6 SENATOR JOHNSON: They don't have
7 to issue licenses if there's any reason not to,
8 if the person is a criminal or mental case, et
9 cetera, et cetera. They don't have to issue
10 them, but once they do, they couldn't change
11 it. They couldn't restrict it in any way other
12 than simply reject it.

13 SENATOR ABATE: Senator, would
14 you continue to yield?

15 SENATOR JOHNSON: Sure.

16 ACTING PRESIDENT KUHL: Senator
17 continues to yield.

18 SENATOR ABATE: See, it's my
19 understanding in New York City there are
20 individuals that have limited carry, who have
21 business licenses and these are individuals
22 because of their need, only require the
23 possession of a licensed weapon for a limited
24 period of time, when they're minding their
25 store, for instance, or when they're carrying

1 their payroll to and from the bank, and what
2 this law would do -- and please correct me if
3 I'm misunderstanding the law -- it would
4 basically say to these individuals even though
5 it's not your need, you'll be able to carry this
6 weapon anywhere you want to go, even though you
7 only need it for business purposes.

8 So wouldn't that, in effect,
9 proliferate the number of guns on the street in
10 New York City?

11 SENATOR JOHNSON: Senator, if
12 you're telling me that \$1500 is important, but
13 your life is worthless, then I guess you're
14 right, but I think if someone feels the need to
15 carry it, I think they shouldn't have to prove
16 to the authorities. They should be able to get
17 a license, providing there's no reason in their
18 background that they shouldn't possess one.

19 SENATOR ABATE: Can you conceive,
20 Senator, that certain localities have special
21 needs because of dense population, high crime
22 rates, that certain localities should be able to
23 decide for themselves how to put in place more
24 restrictive licensing procedures?

25 SENATOR JOHNSON: Well, if you

1 think that -- that should be done, Senator, then
2 certainly you're free to introduce a bill like
3 that, but that is not dealt with in this bill.
4 This says the state law provides two types of
5 licenses, carry or premises, and if they ask for
6 one or the other with no reason to reject them,
7 it should be issued.

8 SENATOR ABATE: On the bill.

9 ACTING PRESIDENT KUHL: Senator
10 Abate, on the bill.

11 SENATOR ABATE: Yeah, I will be
12 opposing this legislation because what, in
13 effect, it does is create chaos in New York
14 City. There's a local licensing procedure that,
15 within the discretion of the police commission
16 er, can authorize the licensing of the guns to
17 fit the needs of the applicant, and what this,
18 in effect, would do is create more guns on the
19 street where there's not a necessity.

20 Many people apply for guns for
21 limited purposes, and I do not think we should
22 take away the option and the ability of New York
23 City to be more restrictive, by saying they can
24 only have two types, carry or premises. That
25 means they would eliminate target licenses, they

1 would eliminate target practice licenses. They
2 would eliminate business licenses, as well as
3 limited carry licenses, and I think New York
4 City should retain that authority and ability to
5 safeguard the citizens of that region and, in so
6 doing, if they believe they need additional
7 restrictive licenses, they should have the
8 authority as they do now.

9 So, because of these reasons, I
10 will continue to oppose this bill.

11 ACTING PRESIDENT KUHL: Any other
12 Senator wishing to speak on the bill? Senator
13 Paterson.

14 SENATOR PATERSON: Thank you, Mr.
15 President.

16 If Senator Johnson, who I'm glad
17 to see is recovered, would yield for a question?

18 ACTING PRESIDENT KUHL: Senator
19 Johnson, would you yield?

20 SENATOR JOHNSON: Yes, Mr.
21 President. Yes, I will.

22 ACTING PRESIDENT KUHL: Senator
23 yields.

24 SENATOR PATERSON: Senator
25 Johnson, even in view of what you're trying to

1 accomplish, I wonder if this legislation
2 actually has a two-edged sword. If there isn't
3 the rebuttable presumption that is created where
4 there would be discretion in the enforcement of
5 the legislation that you propose, isn't it
6 likely that a judge, knowing that they could not
7 put any restrictions on the licensing procedure,
8 would just not allow the license at all for the
9 judge's own protection and really for society's
10 own protection, so that in trying to make it
11 more possible for individuals to gain a
12 license, and I would wish that they had not, but
13 just looking at your legislation, isn't it
14 possible that judges might be more restrictive
15 of granting the license since they can't really
16 grant any encumbrances along with it?

17 SENATOR JOHNSON: That's a
18 possibility, I suppose, Senator, but I can tell
19 you this, that concern about criminals asking
20 for a license is not well founded. They don't
21 usually apply for licenses. According to some
22 information I received, there are possibly 20
23 states already which have right to carry which
24 really goes even beyond this, saying anyone who
25 wants to carry can carry it if you don't have a

1 reason to turn them down, and they said of the
2 states which did not have right to carry laws,
3 concealed gun provisions, had adopted them in
4 1992, approximately 1600 murders, over 4,000
5 rapes and 60,000 aggravated assaults would have
6 been avoided yearly and the felony prisoners in
7 state jails now said that they would not attack
8 a potential victim if they thought there was a
9 possibility that victim might be armed, so
10 generally speaking, Senator, properly issued
11 carry licenses to responsible citizens tends to
12 reduce crime, not increase crime.

13 So I think you're overly
14 concerned about that.

15 ACTING PRESIDENT KUHL: Senator
16 Paterson.

17 SENATOR PATERSON: Thank you, Mr.
18 President. Thank Senator Johnson for his
19 answer. Mr. President, on the bill.

20 There is just my concern that
21 there is more -- it is not just a black and
22 white issue between responsible citizens and
23 criminals who would be involved. I think there
24 might be some restrictions that would be placed
25 on those who would like to have a firearm. A

1 loaded weapon is a very dangerous object. Many
2 of the -- there are accidents that occur with
3 loaded weapons. We read about them every day,
4 not because there is anything wrong with the
5 character necessarily of the person that's
6 applying for the license but because there's -
7 there's something wrong with the actual use, and
8 that's where the restriction we thought might be
9 helpful.

10 ACTING PRESIDENT KUHL: Is there
11 any other Senator wishing to speak on the bill?
12 Hearing none, the Secretary will read the last
13 section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT KUHL: Announce
20 the results when tabulated.

21 THE SECRETARY: Those recorded in
22 the negative on Calendar Number 48, Senators
23 Abate, Breslin, Connor, Dollinger, Gentile,
24 Gold, Goodman, Kruger, Lachman, Leichter,
25 Markowitz, Montgomery, Nanula, Onorato,

1 Oppenheimer, Paterson, Sampson, Santiago,
2 Seabrook, Smith, Stavisky and Waldon. Ayes 35,
3 nays 22.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 Secretary will continue to read
7 the controversial calendar.

8 THE SECRETARY: Calendar Number
9 88, by Senator Present, Senate Print Number 526,
10 an act to amend the General Municipal Law, in
11 relation to economic development zones.

12 ACTING PRESIDENT KUHL: Secretary
13 will read the last section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 57.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 89, by Senator Holland, Senate Print 647, an act
24 to amend the General Municipal Law, in relation
25 to indexing the interest rate on judgments.

1 SENATOR PATERSON: Explanation.

2 ACTING PRESIDENT KUHL: Senator
3 Holland, an explanation of Calendar Number 89
4 has been requested by the acting Minority
5 Leader, Senator Paterson.

6 SENATOR HOLLAND: Yes, Mr.
7 President. This bill changes the rate of
8 interest paid by municipalities upon judgment
9 against that municipality in their discretion
10 not to exceed nine percent of the prime rate but
11 with the cap of nine percent to prevent the
12 interest rate becoming excessive to the
13 municipalities. It's really designed to save
14 money for the taxpayers.

15 SENATOR PATERSON: Mr. President,
16 if Senator Johnson would yield for a question.

17 ACTING PRESIDENT KUHL: I think
18 he retired, Senator.

19 SENATOR PATERSON: Well -

20 ACTING PRESIDENT KUHL: Would you
21 like Senator Holland to respond to a question?

22 SENATOR PATERSON: Yes, I would.
23 Oh, Senator Johnson, I'm still trying to get
24 over his last answer about how to cut down on
25 crime, but if Senator Holland would yield for a

1 question.

2 SENATOR HOLLAND: Yes, sir.

3 ACTING PRESIDENT KUHL: He's
4 still standing. He'd be happy to.

5 SENATOR PATERSON: Thank you.
6 Senator Holland, my only concern is that, while
7 you have a cutoff for the high point of the
8 interest rate, but we don't really have a cutoff
9 for the low point, and why is that not in the
10 legislation?

11 SENATOR HOLLAND: Well, it -
12 where we have a cutoff, Senator, in that it is
13 based on the prime rate. The prime rate
14 recently hasn't gone in -- in the not too
15 distant past below six percent, so it would be
16 limited by the prime rate.

17 ACTING PRESIDENT KUHL: Senator
18 Paterson.

19 SENATOR PATERSON: Just one last
20 question, Senator Holland.

21 ACTING PRESIDENT KUHL: Senator
22 Holland, do you continue to yield?

23 SENATOR HOLLAND: Yes, sir.

24 ACTING PRESIDENT KUHL: Senator
25 continues to yield.

1 SENATOR PATERSON: Mr. President,
2 my question to Senator Holland is, a creditor
3 that is lending money at above the prime rate,
4 do you think this legislation would actually put
5 the creditor in an advantageous position and
6 actually do harm based on the fact that the -
7 that the creditor itself is going to be able to
8 lend at a higher rate under -- under the
9 legislation?

10 SENATOR HOLLAND: Tell me once
11 more, Senator.

12 SENATOR PATERSON: Yeah, what I
13 was actually referring to, Senator, is that if
14 the municipality is -- is paying a creditor,
15 that that rate is going to be lower than if the
16 creditor, because of the cash flow problem, has
17 to go to a bank where the rate will be much
18 higher.

19 SENATOR HOLLAND: I see.

20 SENATOR PATERSON: That's what I
21 was asking.

22 SENATOR HOLLAND: I understand,
23 Senator, but it doesn't really make any
24 difference other than maybe a quarter percent
25 whether they go to the bank or not. It's very

1 little different. They still, if they're going
2 to have to borrow money at 11 or 12 percent,
3 it's going to make very little difference
4 between the prime rate and the nine percent.

5 SENATOR PATERSON: But, Senator
6 Holland, there is a difference between the prime
7 rate and the lending rate I guess is what I'm
8 trying to say.

9 SENATOR HOLLAND: I understand.
10 I understand. A bank will lend, your point is
11 from last year's questioning, as a matter of
12 fact a bank will lend at maybe 11 or 12
13 percent. If he has to go -- he or she has to go
14 to the bank to ask for a loan, they're going to
15 pay that anyway regardless of what this rate is,
16 and this rate is designed to save money for the
17 taxpayers by paying less.

18 What's happening, Senator, I'm
19 sure you know, if there is a judgment, the
20 judges are now saying, nine percent to
21 municipalities all the time. This is just
22 lowering that percentage a little bit. Whether
23 the individual has to go to the bank to get a
24 loan or not won't change the interest rate he or
25 she has to pay.

1 ACTING PRESIDENT KUHL: Senator
2 Paterson.

3 SENATOR PATERSON: Thank you very
4 much, Senator Holland.

5 Mr. President, on the bill. It
6 was just that the rate of difference between
7 what would be the prime rate and the lending
8 rate I thought could actually be a couple of
9 points or so as the prime rate is under 9
10 percent, when taking into account what the
11 lending rates certainly are. It could have been
12 a more substantial difference which individuals
13 are going to have to inevitably pay back.

14 ACTING PRESIDENT KUHL: Secre...
15 Senator Leichter.

16 SENATOR LEICHTER: Yes, Mr.
17 President.

18 This is such an unfair bill, just
19 to say, well, it's good for the taxpayers. The
20 point is that somebody's been injured, a jury or
21 judge has found that somebody was wronged by a
22 municipality, doesn't matter whether it's a
23 municipality or business or an individual.

24 The whole idea of the law is to
25 put people in as good a position as they would

1 have been if that injury -- if that wrong had
2 not occurred. Now, if the municipality has
3 failed to pay on a contract and a businessman
4 has to go out to his bank and he has to borrow
5 money at 12 or 14 percent, he ought to be
6 compensated for the loss that he had.

7 You might just as well say,
8 Senator Holland, any judgment against a
9 municipality ought to be halved. Sure, it might
10 be good for the taxpayers until one of those
11 taxpayers finds out that they were the ones who
12 were injured. Makes absolutely no sense.

13 Why should a municipality be in
14 any other or different situation than any other
15 defendant? You ought to pay to make the person
16 right. You never should have committed the
17 wrong in the first place.

18 I argued against that bill last
19 time. I just say -- I just say to you I just
20 hope, Senator Holland, you never find yourself
21 in the position where a municipality has done
22 something to you which a jury or a judge later
23 finds to be wrong, and they'll say, Well, you
24 know, we want to help the taxpayer so we're not
25 going to make you whole.

1 I think it's a bad bill.

2 ACTING PRESIDENT KUHL: Secretary
3 will read the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on November 1st.

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT KUHL: Announce
10 the results when tabulated.

11 THE SECRETARY: Senator
12 DeFrancisco, to explain his vote.

13 SENATOR DeFRANCISCO: I would
14 say, I think pretty much everything has been
15 said, but there was a time when the situation
16 was reversed, when the interest rate was really
17 low that you could get, well, not reversed but
18 even more dramatic, the interest rate was really
19 low. I think it was 6 percent, and the prime
20 rate was 14, 15 percent, and there were a whole
21 slew of things in the city of Syracuse,
22 certiorari cases where the property owner would
23 win and the city would owe a certain amount of
24 money and the city would never pay because 6
25 percent is all that they're risking by letting

1 this thing delay forever and ever to be paid and
2 they could leave money in the bank and get a
3 much higher interest rate because there was a
4 higher interest rate being paid on CDs.

5 I think the bill's a good idea.
6 We should save taxpayers money all the time.
7 However, you know, in order to be fair, just
8 link it to the prime rate, and I'm just asking
9 for both sides, with no cap or a cap both ways,
10 so that that inequity doesn't occur, and I would
11 urge in the negotiations about the bill that
12 that would be the next step.

13 THE SECRETARY: Those recorded in
14 the negative on Calendar Number 89 are Senators
15 Abate, Connor, DeFrancisco, Gentile, Gonzalez,
16 Kruger, Lachman, Leichter, Markowitz,
17 Montgomery, Onorato, Paterson, Sampson,
18 Stavisky, and Waldon, also Senator Rosado. Ayes
19 41, nays 16.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 Senator Skelos, that completes
23 the controversial calendar.

24 SENATOR SKELOS: Mr. President,
25 is there any housekeeping at the desk?

1 ACTING PRESIDENT KUHL: There's
2 nothing at the desk, Senator Skelos.

3 SENATOR SKELOS: There being no
4 further business, I move we adjourn until
5 Tuesday, February 11th, at 3:00 p.m.

6 ACTING PRESIDENT KUHL: Without
7 objection, Senate stands adjourned until
8 tomorrow, Tuesday, February 11th, at 3:00 p.m.

9 (Whereupon at 4:25 p.m., the
10 Senate adjourned.)

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